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Message from the Vice Chancellor

The NUJS Journal of Regulatory Studies has been conceived as a premier journal for publication of research in the field of law and public policy. In an increasingly data driven world, public policy oriented research centred on thorough theoretical concepts with the analysis of empirical data is imperative. This journal aims to provide a platform for innovative researchers whose data driven research creates knowledge that is conducive to the creation of long term strategies and goals for policymakers in India and abroad. The Centre for Regulatory Studies, Governance and Public Policy (CRSGPP) actively engages stakeholders for the formulation, analysis and oversight of public policy. This journal reflects the ethos of CRSGPP and reflects its commitment to democratic values, academic excellence and legal research of contemporary relevance. The Journal presently publishes articles on issues of national and international relevance in consonance with the aforementioned objectives. I hope that CRSGPP continues to enlighten the legal fraternity, policymakers as well as members of the public as it continues its journey of excellence and innovation.

-Prof. (Dr) N.K. Chakrabarti

Editor's Note

The NUJS Journal of Regulatory Studies started its journey in 2016 to promote legal research focusing on policy formulation. In 2019, the journal gets a new dimension with the priority inclusion of cutting edge empirical research papers from across Asia.

The new board of editors accompanied by a robust peer review team gives the journal the much needed international status. Additionally, the new shape of this open access online journal authorizes the access of the entire edition as a single file.

The journal explores through its research papers the various challenges and highlights various human rights issues. The platform of NUJS Journal of Regulatory Studies provides the young minds to find solutions beyond convention and also gives the right impetus to the centre to explore avenues to recommend such policy formulation to the concerned forum.

I am really thankful to the authors for such vivid contribution. I also take this opportunity to thank the esteemed members of the Advisory Board, Editorial Board, Peer Reviewers and my entire team who has worked relentlessly to finish the work in time.

-Dr. Shambhu Prasad Chakrabarty
Head and Research Fellow

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Message from the Vice Chancellor

Editor's Note

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NOVEL CORONAVIRUS DISEASE (COVID-19): PANDEMIC SITUATION IN BANGLADESH

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Abstract

The study was carried out from 8 March to 19 June 2020 to observe the status of Bangladesh towards rampant COVID-19. The aim of this study was compared the present situation of active cases, death and recovery of people against COVID-19 of Bangladesh and different geological located countries like the United States, Canada, Mexico, Italy, Spain, France, Germany, United Kingdom, Russia, India, Pakistan, South Korea, Turkey, Saudi Arabia, Qatar and Bangladesh in the world. The data of this research was collected from the Institute of Epidemiology, Disease Control and Research (IEDCR), Directorate General of Health Services (DGHS), Ministry of Health and Family Welfare (MoHFW), different newspapers and online news portals. Up to 19 June, total tests, infection, recovered and died were 550567, 100703, 26005 and 1355 in Bangladesh. The positive correlation found between infestation with recovered and death by people 2020 (R^2= 0.4804 and 0.3159; 0.7242 and 0.4902; 0.4432 and 0.3449, $p<0.05$) in April to June. The total infestation, recovery, and death were less than the selective countries of the world. Daily mortality percentage rate was less than 1% where the month-wise mortality rate was 12.24488, 2.0678, 1.3073, and 1.2658 % in March, April, May, and 19 June 2020; respectively in Bangladesh. The morality rate of Bangladesh was lower than the other selective countries of different geological locations. Month wise recovered rate was 51.0204, 1.6834, 21.3574, and 31.5782 % in March, April, May, and 19 June 2020; respectively in Bangladesh. We should have a good practice of protective awareness, and the government should take originating the training and supervision of rural and town trainees for minimizing COVID-19 infestation in Bangladesh.

Keywords: Bangladesh, COVID-19, Infection rate, Recovered rate, Death rate

I. Introduction

The novel coronavirus is called Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) which was known as COVID-19. It was identified in Wuhan, China in December 2019 [1, 2,3,4]. On 7 January 2020, the Chinese Center for Disease Control, and Prevention identified a new coronavirus from a throat swab sample of a patient. The World Health Organization[5] declared the name of this novel coronavirus as 2019-nCoV [6], and has spread worldwide since then, causing epidemic threat for the world, also in Bangladesh [7, 8]. The novel coronavirus was a new strain which is caused by SARS-CoV-2. It belongs to the family of coronaviridae subgenus Sarbecovirus, genus Betacoronavirus, and order Noroviruses [9]. It is a gram-positive RNA virus genome ranging from 26 to 32 kb in length, crown-shape people with 80-160 nM in size, and next-generation sequencing, and phylogenetic examination of the genome exposed COVID-19 [9]. It

was very much identical (88%) to two bat-derived SARS-like coronaviruses, and more distant from SARS-CoV (79%), and MERS-CoV (50%) [10, 11].

In the beginning, diagnostic tests were conducted by IEDCR only; however, since last month 59 diagnostic facilities were opened countrywide and thus the infection cases increased. Since then, tests, infection rate, recovery, and death is gradually increasing, and to the date June 19 it has reached (550567, 100703, 26005, and 1355), respectively in Bangladesh. The COVID-19 was pandemic in December 2019. Bangladesh got a long preparatory time to get prepared as the first confirmed. Three individuals were confirmed with COVID-19 on 8 March 2020 [12, 13, 14]. BRAC survey throughout the nation found that nearly 40% of the respondents had no idea about how to prevent getting infected[15]. Non-availability, inadequacy, and inefficiency of Personal Protective Equipment (PPEs) nCoV-19 infections in healthcare workers have been reported, and among the most (85.5%) were doctors. In the medical sector, there is also an inadequate training, and monitoring of PPE used. Beds and ventilators were other key factors to overcome this situation [16, 17].

The shutdown was first declared on March 26 [18, 19]. Partial lockdown and social distancing focused on controlling the virus for some times [20]. The government forbade movement after 6 pm, instructing everyone to stay at home, and stay safe [21]. In a lockdown, the government cancelled public programs including 50th Independence Day. There are 3 divisions, 50 districts, and 400 Upazila that were under lockdown in May 2020. The lockdown, however, resulted in various negative impacts especially in the sharp decline in the agricultural produce by the farmers [22, 23, 24]. They also faced many problems in harvesting the *boro* rice as the labor cost was high and the product price declined [24]. The Prime Minister of Bangladesh announced five financial packages, and a special agricultural package to overcome the economic losses caused by the lethal COVID-19. The financial packages are about USD 11.17 billion to tackle the COVID-19. The government has taken various steps to overcome the epidemic outbreak of it such as diagnosis of the alleged cases, quarantine of people, and isolation of infected patients, local or regional lockdown, granting general leave from workplaces, increased public awareness, enforcing social distancing, stopping public gatherings, and so on [26]. On 20 May 2020, COVID-19 has affected 216 countries around the world. On 23 July, total cases were 9,113,578, total recovery was 4,884,374, and total death was 471,856 in the world [7]. Considering the above fact, this study focuses on the present situation, and comparison of COVID-19 statistics with different countries like the United States, Canada, Mexico, Italy, Spain, France, Germany, United Kingdom, Russia, India, Pakistan, South Korea, Turkey, Saudi Arabia, Qatar and Bangladesh in the world.

II. Methods

***Study Period*:** COVID-19 was confirmed in Bangladesh on 8 March 2020 as stated by Dr. Nasima Sultana, Additional Director General of the DGHS. The collection of data periods was from 8 March to 19 June 2020.

***Data Retrieval*:** The data of COVID-19, for this study, since 19 June 2020 was extracted from official website information of IEDCR, DGHS, and MoHFW. The data from different local newspapers, and online news portals were reviewed [12, 27, 28]. This data analysis relates to information collected from 8 March to 19 June 2020 about the measures to handle the outbreak of the COVID-19 pandemic situation in Bangladesh.

***Equation*:** Percentage of infection rate, death, and recovery was observed in Bangladesh, and different countries during the study period. Infection rate, death, and recovered was calculated in percent using the following formula:

$$\text{Infestation } (\%) = \frac{\text{Infestation}}{\text{Total Infestation}} \text{x } 100$$

$$\text{Death } (\%) = \frac{\text{Death}}{\text{Total death}} \text{ x } 100$$

$$\text{Recovered } (\%) = \frac{\text{Recovered}}{\text{Total recovered}} \text{ x } 100$$

A comparative study among developing country and Bangladesh: We have selected different countries from different geographical locations like Europe [Italy, Spain, France, Germany, United Kingdom (UK), and Russia], North America [United States (USA), Canada, and Mexico, Latin America (Brazil), and Asia (India, Pakistan, South Korea, Turkey, Saudi Arabia, Qatar, and Bangladesh). This data was collected from Google, BBC news, and revised online news portals.

***Statistical Data Analysis*:** All the collected data were rechecked, coded, and entered into a database using Microsoft Excel 2016, and SPSS (IBM Version 22.0) software. The distributed data was used to determine the frequency with percentage, mean, total, and relationship data was calculated for all variables. Statistical significance was accepted at $p<0.05$.

III. Results

The present situation of coronavirus in Bangladesh since 19 June 2020

In Bangladesh, three individuals were confirmed with COVID-19 on 8 March 2020 [12,13]. Since then, tests, infection rate, and death was gradually increasing. From 8 March to 15 July 2020, the situation, and the percentage of infection rate recovered, and death was presented in Figure 1. In Bangladesh, total tests were 550567 whereas infection, recovery, and death was 100703, 26005, and 1355 respectively during the study period.

From March 2020, the total number of tests was 1482 whereas total recovery, and death was 49, 25, and 6; respectively. The percentage of the infected people, recovery, and the mortality rate was 3.3063, 51.0204, and 12.2449 respectively and was noted in March. Maximum, and minimum tests, infection rate, recovery, and death was found (264, and 7), (12, and 0), (6, and 0), and (1, and 0); respectively in Bangladesh.

From April 2020, the total number of tests was 101134 whereas total number recovered, and died 7544, 127, and 156; respectively. Percentage of the infection rate, recovery, and the mortality rate was 7.4594, 1.6834, and 2.0679 was noted in April. Maximum, and minimum tests, infection rate, recovery, and death were found (4968, and 147), (641, and 2), (16, and 0) and (15, and 0); respectively in Bangladesh.

From May 2020, the total number of tests was 203217 whereas total infection rate, recovery, and death 7593, 7417, and 454; respectively. Percentage of the infection rate, recovery, and the mortality rate was 16.3509, 22.3215, and 1.3663 respectively was noted in May. Maximum and minimum tests, infection rate, recovery, and death were found (11876 and 5368), (2545 and 552), (588 and 0) and (40 and 0); respectively in Bangladesh.

From June 2020, the total number of tests was 276616 whereas total infection rate, recovery, and death 58382, 18436, and 739; respectively. Percentage of the infection rate, recovery, and the mortality rate was 21.10579287, 31.57822617, and 1.265801103 was noted in June. Maximum and minimum tests, infection

rate, recovery, and death were found (16638 and 11439), (4008 and 2381), (2781 and 470), and (53 and 22); respectively in Bangladesh.

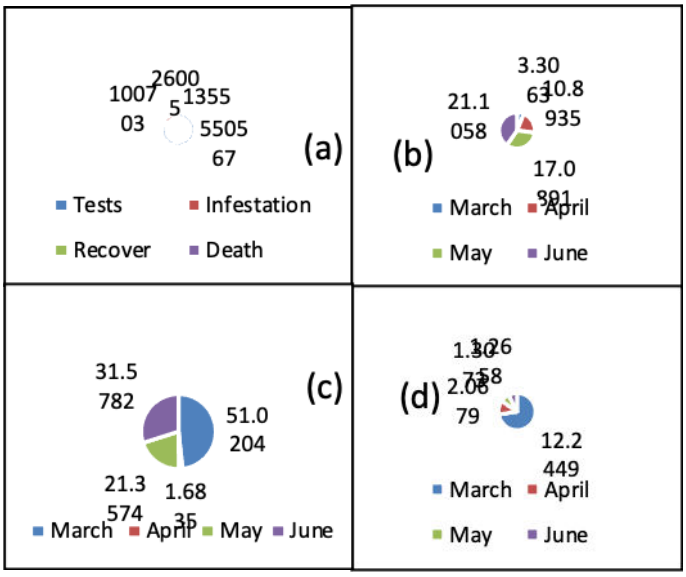

Figure 1. Novel coronavirus update since 19 June in Bangladesh

Note: (a). Total infestation, recovered and death, (b). Infestation (%), (c). Recover (%) and (d). Death (%)

Correlation between infected people with recovered and death people since 19 June 2020

A correlation study was done to establish the relationship between the infection of people with recovered and death of people by COVID-19 in Table 1 and Figure 2.

In March, a positive correlation was observed in recovered people and a negative relation found in death by COVID-19 in Bangladesh. It was evident that the equation y = 20.0725x + 0.1019; 0.0911x + 1.2277 gave a good fit to the data and the coefficient of determination R^2= 0.027, 0.27 fitted regression line had a significant regression coefficient. In April, a positive correlation was observed in recovered and dead people by COVID-19 in Bangladesh. It was evident that the equation y = 0.0153x + 0.6046; 01x + 2.9027 gave a good fit to the data and the coefficient of determination R^2= 0.4804, 0.3159 fitted regression line, had a significant regression coefficient.

Infection rate		Regression equation	% Role of individual factor	Significance	R^2 value
March	Recovered	y=0.0725x + 0.1019	02.70	p<0.05	0.0270
	Death	y =-0.0911x + 1.2277	27.00		0.2700
April	Recovered	y=0.0153x + 0.6046	48.04		0.4804
	Death	y=01x + 2.9027	31.59		0.3159
May	Recovered	y=0.0144x - 3.1639	72.42		0.7242
	Death	y=0.2001x + 10.111	49.02		0.4902
June	Recovered	y=1.0051x - 2118.1	44.32		0.4432
	Death	y=0.0087x + 12.278	39.49		0.3449

Table 1. The relationships between the infection of people of COVID-19 with recovered and death of people during the study period

In May, a positive correlation was observed in recovered and dead people by COVID-19 in Bangladesh. It was evident that the equation y = 0.0144x - 3.1639; 0.2001x + 10.111 gave a good fit to the data and the coefficient of determination R^2=

0.7242; 0.4902 fitted regression line had a significant regression coefficient. In June, a positive correlation was observed in recovered and dead people by COVID-19 in Bangladesh. It was evident that the equation y = 1.0051x - 2118.1; 0.0087x + 12.278 gave a good fit to the data and the coefficient of determination R^2= 00.4432; 0.3449 fitted regression line, had a significant regression coefficient.

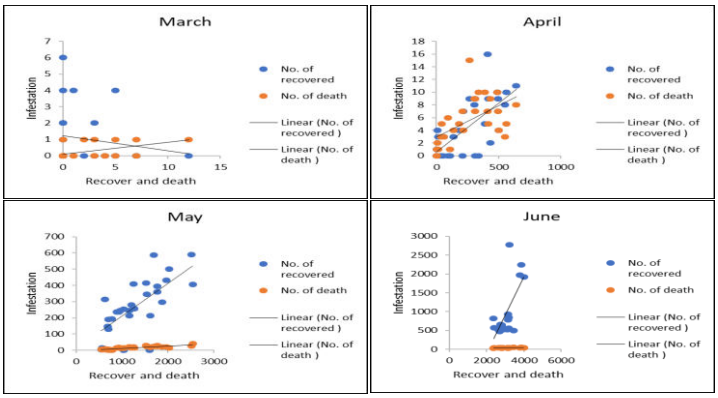

Figure 2. Relationship between infected people with recovery and death of people in Bangladesh

Compared study of the present situation among Bangladesh and different geological location of the world since 19 June 2020

***American countries*:** The COVID-19 pandemic on 19 January 2020 was identified as this disease in the place of Chicago, Illinois, USA. In the USA, total confirmed, recovered, and total death was found 2085769, 576334, and 115644 people, respectively since 19 June 2020. The recovered and death percentage was 27.6317 and 5.5444. The COVID-19 pandemic on 22 January 2020 was identified as this disease in the place of Toronto, Ontario, Canada. In Canada, total confirmed, recovered and death cases were found to be 99853, 62017, and 8254 people, respectively since 19 June 2020. The recovered and death percentage was 62.1083and 8.2662. The COVID-19 pandemic on 25 February 2020 was identified as this disease in the place of Sao Paulo, Brazil. In Brazil, the total confirmed, recovered, and dead were 955377, 463474, and 46510 people, respectively since 19 June 2020. The recovered and death percentage was 48.5122 and 4.8682 respectively. The COVID-19 pandemic on 28 February 2020 was identified in Mexico City and Los Mochis, Mexico. In Mexico, total confirmed, recovered and death cases was found 165455, 123095, and 19747 people, respectively since 19 June 2020. The recovered and death percentage was 74.3979 and 11.9350 (Figure 3 and 4).

***European countries*:** The COVID-19 pandemic on 24 January 2020 was identified in Bordeaux, France. In France, total confirmed, recovered and death cases was found 158174, 73667, and 29575 people, respectively, since 19 June 2020. The recovered and death percentage was 46.5734 and 18.6978 respectively. The COVID-19 pandemic on 27 January 2020 was identified in Munich, Bavaria, Germany. In Germany, total confirmed, recovered and death cases were found in 188382, 173100, and 8910 people, respectively, since 19 June 2020. The recovered and death percentage was 91.8878 and 4.7297. The COVID-19 pandemic on 31 January 2020 was identified in York, UK; Italy, and La Gomera, Canary Island, Spain, and Russia. In the UK, total confirmed, recovered, and death cases was found 300469, unknown, and 42288 people, respectively, 2020. The recovery and death percentage was unknown and 14.074 respectively. In Italy, total confirmed, recovered and death cases was found 237828, 179455, and 34448 people, respectively. The recovery and death percentage was 75.4558 and 14.4844. In Spain, total confirmed, recovery and death cases were found 241310, 150376, and 27135 people, respectively. The recovered and death percentage was 62.3165 and 11.2449. In Russia, total confirmed, recovered and death cases was found 569063, 324406, and 7841

people, respectively since 19 June 2020. The recovery and death percentage was 57.0070 and 1.3779 respectively (Figure 3 and 4).

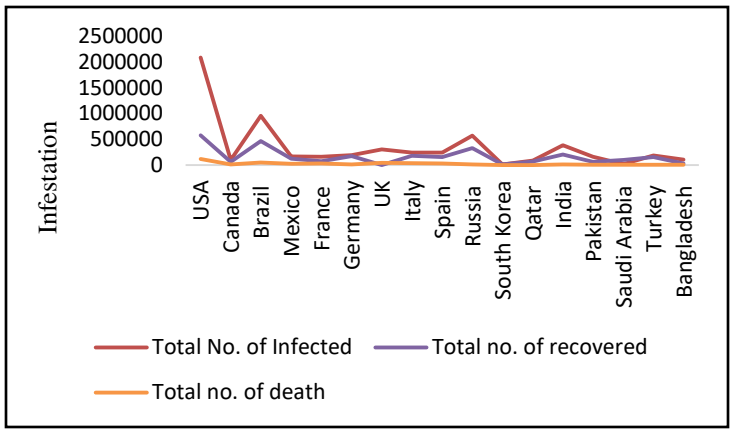

Figure 3. Total number of infestations, recovered and death in different countries

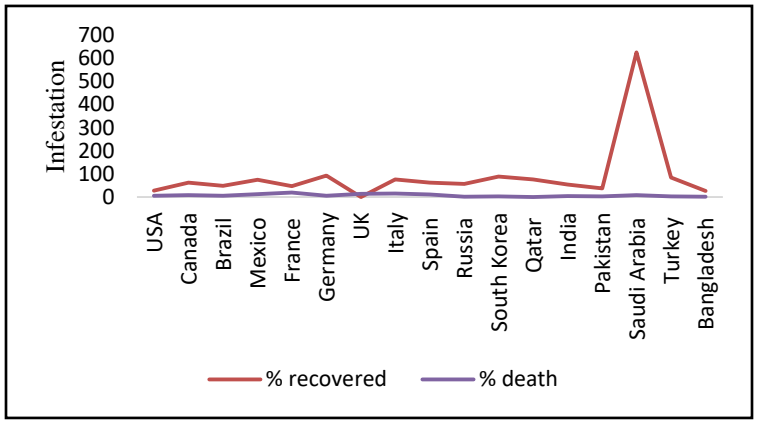

Figure 4. The death and recovery percentage rate of different countries

***Asian countries*:** The COVID-19 pandemic on 20 January 2020 was identified in South Korea. In South Korea, total confirmed, recovery and death case were observed 12257, 10800 and 280 people, respectively, since 19 June 2020. The recovered and death percentage was 88.1129 and 2.2844. The COVID-19 pandemic on 25 February 2020 was identified in Doha, Qatar. In Qatar, the total confirmed, recovered and death cases was found 84441, 63642, and 86 people, respectively since 19 June 2020. The recovery and death percentage was 75.3686 and 0.1018. The COVID-19 pandemic on 30 January 2020 was identified in Kerala, India. In India, total confirmed, recovered, and death cases was found 380532, 204711, and 12573 people, respectively since 19 June 2020. The recovered and death percentage was 53.7960 and 3.3041. The COVID-19 pandemic on 26 February 2020 was identified in Karachi, Pakistan. In Pakistan, total confirmed, recovered and death cases was found 160118, 59215, and 3093 people, respectively, since 19 June 2020. The recovery and death percentage was 36.9821 and 1.9317. The COVID-19 pandemic on 2 March 2020 was identified in Qatif, Eastern Province, Saudi Arabia. In Saudi Arabia, total confirmed, recovered and death cases was found 14991, 93915, and 1139 people, respectively since 19 June 2020. The recovery and death percentage was 626.4759 and 7.5979 respectively. The COVID-19 pandemic on 11 March 2020 was identified in Turkey. In Turkey, total confirmed, recovered and death cases was found 184031, 156022, and 4882 people, respectively since 19 June 2020. The recovery and death percentage was 84.7802 and 2.6528 respectively. The COVID-19 pandemic on 8 March 2020 was identified in Dhaka, Bangladesh. In Bangladesh, total confirmed, recovered and death cases was found 124775, 8626, and 1788 people, respectively since 19 June 2020 (Figures 3 and 4). The recovery and death percentage was 25.8235 and 1.3455 respectively. Comparatively, a smaller number of people were confirmed, recovered, and died in Bangladesh.

IV. Discussion

The present situation of the Bangladesh and selective countries of different geographical location

In December 2019, China reported to the UN agency cases of respiratory disorder with unidentified causes [5,

[29]. On seven Gregorian calendar months 2020, the UN agency identified and confirmed a new unique coronavirus that is responsible for respiratory disease in a very large cluster of individuals in metropolis town, Hubei Province, China. The virus has passed the burden of malady and death around the world [7]. Following the detection of the primary few COVID-19 cases in early March, Bangladesh has stepped up to strengthen the capability of the aid system to forestall a crisis within the event of flow within the range of cases. The COVID-19 cases are found in sixty-four districts of eight divisions in Bangladesh as of twenty-nine, April. Among the eight divisions, prevalence is highest in the capital of Bangladesh Division followed by Chattogram, Mymensingh, Rangpur, Khulna, Barisal, Sylhet, and Rajshahi division. Around seventy-fifth of the cases are known in five districts that embrace the capital of Bangladesh, Narayanganj, Gazipur, Narsingdi, and Kishoreganj. On 22nd March, Bangladesh declared a 10 day closing, effective from 26th March to 4th of April. From 5th to 30 April, the total test was 101969 whereas infected, death, and recovered cases were 7597, 160, and 130 respectively, in Bangladesh. Since 19 June, total tests were 708120 whereas infected, recovered and death cases was 124775, 8626, and 1788 respectively in Bangladesh. A series of hotline numbers, email addresses, and therefore the Facebook page of the IEDCR were provided for individuals to contact if they believe COVID-19 infection[30]. Bangladesh has 1,169 Intensive care unit (ICU) beds, amounting to 0.72 beds per 100,000 citizens. Of these 432 beds are in government hospitals and 737 in private hospitals and there are only 550 ventilators in the country[31]. On 21 March, the Institute of Epidemiology, Disease Control and Research (IEDCR) announced that 150 ICU beds would be made available for COVID treatment in Dhaka and more would be provided in other parts of Bangladesh. The FCV-19S significantly correlated with PHQ-9. FCV-19S was significantly associated with higher worries concerning lockdown [13]. In the USA, Canada, Mexico, Brazil, Italy, Spain, France, Germany, UK, Russia, India, Pakistan, South Korea, Turkey, Saudi Arabia, and Qatar fatality rate was (5.54, 8.27, 4.86, 11.93, 4.86, 14.48, 11.24. 18.70, 4.73, 14.07, 1.38, 3.30, 1.93, 2.28, 2.65, 7.59 and 0.10) %; respectively, and information collected from John Hopkins University WHO, 2020. In Bangladesh, a daily wise mortality rate of less than 1% in April and May 2020 is represented in Figure 1 [32]. In April 2020, the case fatality rate is about 7% in the world [33, 34]. The total confirmed, death and recovered cases was observed in Bangladesh than the USA, UK, Russia, Germany, India, Italy, Spain, Brazil, and Pakistan (as represented in Figures 3 and 4). As of February 12, 2020, a total of 43.103 confirmed cases and 1.018 deaths have been announced [33]. As of April 18, 2020, the disease has infected at least 2,261,425 people and has resulted in at least 154,734 deaths globally. As of 23 July, total cases were 9,113,578, total recovery is 4,884,374 and total death is 471,856 in the world [35]. Finally, this study noted that the mortality rate of Bangladesh is lower than in other selective countries across the world.

V. Conclusions

COVID-19 has highly spread over 64 districts of eight divisions in Bangladesh. The number of tests per day needs to be increased rapidly, which is comparatively lower than selective countries of different geological locations. Proper health hygiene, mass education, and social awareness programs would improve the strategies of management towards pandemic conditions. The government has already taken some steps and should

initiate the training and supervision of rural and town trainees minimizing the infection rate in Bangladesh.

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LEGAL EDUCATION IN NEPAL

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Abstract

This article aims to illustrate the general history of legal education of Nepal in line with its gradual development and reforms having remarkably indicated the prospects of it in the changing scenario of growing importance of law at national and international level. Further, it encapsulates the scenario of legal education in Nepal from +2 level to Ph.D. level to make the entire legal community of the world familiar to its historical development, present state and prospects. Having based on historical, descriptive and analytical methods of doing research, this article gives the general synopsis of expanding horizon of legal education in Nepal. Regardless of having the challenge to maintain the balance between theoretical knowledge and practical legal skills while imparting legal education, it reflects the dire need of having coordination of all the stakeholders like the judiciary and other law-related institutions effectively working in Nepal along with the knowledge and skills exchange programs within the South Asian region and across the world via further capacitating the legal academia in Nepal even by establishing the separate law university.

Keywords: Legal Education, Nepal, Judiciary, Reforms, Universities

1. Meaning and Definition of Legal Education

Simply, education refers to a process of teaching, training and learning, especially in schools or colleges, to improve knowledge and develop skills.[1]And legal education refers to imparting knowledge related to law formally or informally. In the domain of academics, it indicates that it is an academic endeavor of imparting knowledge related to legal philosophies, doctrines, different schools of thoughts, issues of legal rights and duties, various legal systems, substantive laws or legislations, procedural laws, case laws, and court practices to those persons who aspire to become legal professionals- judges, policy makers, legal practitioners, law professors, legal or socio-legal researchers, and others. Likewise, in the domain of judiciary or legal system, it, being professional education, demands continuous study of law and society and law and statealong with required theoretical knowledge of law and its practical applicability and abundant court or legal practices. Law, being a multi-dimensional discipline, has great significance in the governing system of a particular country or for global governance in the world system or globalized world. Therefore, legal education helps in generating required human resources havingtheoretical knowledge of law and practical legal skills along with enhancing aptitude, attitude and competency to social engineering so as to establish institutionalized democratic system, rule of law and just society.

2. Evolving of Legal Education in Nepal

While tracing the historical background of legal education in Nepal, there is no long history. *Sanads* and *Dictas* were issued by the then government during the time of Jaysthiti Malla and P. N. Shah. Even then, there was no as such formal education rather there was informal education system. Justice was dispensed by the *Dharmadhikari* or kings. Formal education system was introduced with the establishment of Darbar High School in 1854. However, before 1910,

[1]A. S. Hornby (2010), *Oxford Advanced Learner's Dictionary of Current English* (8th ed.), Oxford: Oxford University Press, p.485.

there was *Gurukul* education system. Law and *Dharma* were not detached. But, right after the introduction of *Muluki Ain(Country Code), 1910*, law and theology were detached regardless of huge influence of Hindu religious philosophy.Notwithstanding that, law became the matter of self-study.For producing low level manpower through formal legal education, *Sresta Pathshala* was established in 1962 B. S. Later, after the establishment of SLC Board in 1990 B. S., *Ain Sresta* was included in the secondary level course as optional subject. In 2021 B. S., *Sresta Pathshala* was removed.

Then, at the university level, for the first time in the history of Nepal, Nepal Law College was established on 2011/07/05 B. S. by obtaining affiliation to Patna University of India to impart legal education in Nepal by adopting the very curriculum of the same university from the incessant effort of Prof. Ramraj Pant, founding principal and Prof. Aashutosh Ganguli.Later, after the establishment of Tribhuvan University in 2016 B. S., Nepal Law College came under it. However, up to 2030 B. S., there was no system of providing practical and professional knowledge.[2]Though the Tribhuvan University had started to impart LL. B. level oflegal education since 2016 B. S. incorporating Nepalese laws in its curriculum,very few people could take benefit of this education policy in the nationalcontext. Besides, this education policy had provided advantage only to thedeveloped area as the Nepal Law College was established in Kathmandu andMorang Law College in Biratnagar. The LL. B. degree could not becomequalitative enough.[3]In 1971, National Education System Plan was implemented with the objectives of producing necessary, competent human resources at different levels in different areas to meet the country's needs and requirements. It significantly made a great breakthrough in the legal education system. In 1972, the Institute of Law introduced a two year Certificate Level (CL) program and a three year Diploma in Law (D.L.) program. In 1980-1986, Tribhuvan University underwent a massive change. Consequently, the Institute of Law converted into the Faculty of Law.[4]Oneof the notable academic exercise on the legal education was the NationalSeminar on Legal Education of Nepal, held on Asar 12, 13 and 14, 2034 B. S. organized by the Institute of Law.[5] In 2034 B. S., Nepal Law Review was introduced and published by the Institute of Law. Later, as per the recommendation of Royal Higher Education Commission Report 2040 B. S., Certificate Level was made Proficiency Certificate Level and Diploma in Law was made Bachelor in Law by ending semester system and introducing yearly system. Then, in 2052 and 2053 B. S., I. L. and B.L. were phased out respectively. Accordingly, 3 years LL.B. and 2 years LL. M program have been started in 2053 B. S. Thereafter, 5 years B.A.L.L.B. program and 3 years LL.M. program have been in operation since 2012 A. D. Likewise, other universities have been running programs like B.A.LLB. and LL.M program by Purbanchal University, B.B.M.LL.B. by Kathmandu University, B.A.LL.B. program by Lumbini Bauddha University and Mid-Western University, and LL.B. program by Open University. Similarly, by realizing the necessity of +2/Secondary level law education, legal education has been provided since 2073 B. S. throughout the country. So, timely reform of the curriculum of legal education is required.

3. Objectives

[2]Amber Prasad Pant, (Prof. Dr.) (15 Baishakh, 2014), "Past Forty Three Years on the Development of Legal Education- Few Reminiscences", *Kanoon*, No. 122, Kathmandu: Lawyers' Club, p. 28.

[3]Rajit Bhakta Pradhananga & Kishor Silwal(Dec. 24-26, 1991), 'The Existing Curricular Structure of the Legal Educationin Nepal: An Analysis', *Legal Education in Nepal, Three Day, National Seminar, Seminar Proceedings Report*, Kathmandu: International Commission of Jurists, Nepal Section,p. 36. https://www.icj.org/wp-content/uploads/2013/06/Nepal-legal-education-seminar-report-1993-eng.pdf, (accessed on 8/14/2020).

[4] http://www.nlc.edu.np/, (accessed on 8/14/2020).

[5]*Supra note* 3, p. 37.

The main goal of education is to impart knowledge and skills; to implant good attitude and moral character; to produce required human resources for a country; and good human being. Every subjects have their own special features and areas of specialization in addition to general knowledge. So, legal education has various objectives ranging from secondary level curriculum to the higher level curriculum including +2 level, Bachelor's level, Master's level, Ph. D. or PDD level. Mainly, legal education in Nepal has been ranging from secondary level to Ph. D. level.Accordingly,legal education is required to prepare and produce human resources like judges, government and private attorneys, legal officers-administrators, researchers and professors on the one hand, and thinkers, professors and jurists on the other. So, the main objective of present legal education is to maintain balance and coordination between theoretical aspects of legal knowledge and practical and professional knowledge and skills as realized by all the developed countries and most of the developing countries of the world regardless of the focus of traditional education on theoretical aspects of knowledge.[6]

The objectives of legal education in Nepal have been changing along with the change in socio-economic, legal and political aspects. So, there has been progress in the scope and objectives of legal education from the time of establishment of *Sresta Pathshala* in 1962 B. S. to till date requiring to produce low level clerical job to high level judges, jurists and academicians respectively. Therefore, the objectives of legal education in general in Nepal can be enlisted as such below based on the curriculum of all levels of legal education without repetition.

- Faculty of Law, Tribhuvan Universitry is the only one academic institution or university running Ph. D. program in Law with the objective of preparing specialized manpower foe enhancing research in various avenues of law, developing Nepalese jurisprudence and strengthening the Nepalese legal system.[7]

The main objectives of four semester/six semester LL.M. Program sound alike are:[8]

- To impart legal knowledge from socio-cultural and development perspective;
- To produce human resources equipped with legal skill, competence, and integrity;
- To inculcate in students a sense of responsibility towards the society, the nation and the world and of respect for human life;
- To develop a base of legal excellence with international and indigenous understandings; to promote research by the faculty and the students in order to understand the insights of law and justice;
- To prepare legal scholars, jurists and academicians for the professions of law teaching, research, judicial and government services and consultants for public and private enterprises.

The objectives based on the current syllabus of 3 years LL.B. program are:[9]

- To develop professional skills through moot court, client interviewing, mediation/conciliation etc. and to develop effective oral argument of advocacy;

[6]Amber Prasad Pant,(Prof. Dr.)(2060 B. S.),"Determination of Educational Criteria and Present Situation of Legal Education in Nepal" (in Nepali), in Laxmi Prasad Mainali (edr.), *AnuBhabh Smarika*, Bhadrapur, Jhapa: Nepal Bar Association, Jhapa Bar Unit, p. 95.

[7]Bal Bahadur Mukhia,(Prof. Dr.)(2018-19), "Legal Education and Teaching Methodologies", *Nepal Law Review*, Kathmandu: Nepal Law Campus, Faculty of Law, T. U., Nepal, Year 41, Vol. 28, No. 1& 2,p. 42.

[8]Tribhuvan University, Faculty of Law, Master of Laws (LL.M.)(2017),*Curriculum in Semester System (Four-Semester)*, Kathmandu:Curriculum Development Center, TU, p. 3.

[9]*Bachelor of Laws*, Curriculum Development Center, Faculty of Law, Tribhuvan University, Kathmandu.

- To involve student into the practical application of the law through clinical education and seminars;
- To familiarize the students with the various steps of the trial and hearing proceedings and technique of interviewing to clients.

The objectives of B.A.LL.B.Program under TU reflect the aforementioned objectives. Likewise, the objectives introduced by the LL.B. Syllabus under PU reflects newness having same intent such as:[10] to run professional and career-oriented legal education facilitating study, research and teaching programs related to law and promote all round development of its student, teachers and scholars abilities and personalities; and to contribute to the creation of a comparative high competitive environment in legal education by extending and disseminating knowledge by fostering its efficient and effective application.In the same way, 5 years B.A.LL.B. and 2 years LL.M. Program of Purbanchal University, 5 years BBMLLB program of Kathmandu University, 3 years LL.B. program of Open University, 10 semesters B.A.LL.B.Program of Mid-western University, and B.A.LL.B.Program of Lumbini Bauddha University havesomehow same objectives being inclined towards promoting legal education in Nepal. Similarly, secondary level legal education (+2 level) has the main objective of imparting basic knowledge regarding law and legal practice and to produce clerical manpower having capacity to work in the court.

4. Nature, Scope and Importance of Legal Education

As law is indispensable to regulate behaviors people in the society, there is growing demand of it for the creation of rule of law, good governance, and peaceful and prosperous human society. The scope of law and legal education is wider. Therefore, to introduce any laws and their timely reforms as per the changing dimensions of human society and human civilization of any country or of the world, there is dire need of legal education. For the very purpose, countries of the world having any political or legal systems have been imparting legal education informally or formally since the time immemorial in the history of mankind. Accordingly, to impart legal knowledge; to produce skilled human resources like policy makers, judges, lawyers, bureaucrats, legal consultants, academicians, researchers and others; to strengthen legal and institutional mechanisms; to promote rule of law and democratic system; to institutionalize federalism or other changing political systems; to maintain peace and stability in the country; to promote international relations via international conventions, treaties or agreements; to systematize and regulate the human activities in the world; and so on, there has been and there is and there will be great importance of legal education explicitly or implicitly.In the same sense, legal education is important to impart theoretical knowledge regarding rights and duties of the citizens and to providelegal education is a device of socio-economic and political justice and a means of achieving democracy.[11]

While talking about the importance of legal education, internationalization (of legal education) saw the world as an archipelago of jurisdictions, with a small number of lawyers involved in mediating disputes between jurisdictions or determining which jurisdictions applied; trans-nationalization saw the world as a patchwork, with greater need of familiarity across jurisdictions and hence a growth in exchanges and collaborations; and now globalization is now seeing the world as a web in more ways than one, with lawyers needing to be comfortable in multiple jurisdictions.[12] Law matters most for holding in thrust

[10] *LL.B. Syllabus*, Faculty of Law, Purbanchal University.

[11] *Supra note* 5, p. 95.

[12] Simon Chesterman (July 2008), "The Globalization of Legal Education", *Singapore Journal of Legal Studies*, National University of Singapore (Faculty of Law), p. 58.

for past, present and future generations the promise of equal justice under law. As important as legal education is to "why law Matters', so is the bench and bar, the policy makers and the public.[13]Legal education can play significant role in establishing just and equitable society. It is also the basic requirement for sitting in the legal practitioner's examination conducted by Nepal Bar Council and obtaining licenses for law practice.[14]That is why, law is significant at national and international level, and so is the legal education as a pathway to rule of law, good governance (local, national and global), justice, human rights protection, democracy, and international relations. Therefore, legal education has worldwide value in case of producing efficient, skillful and competent manpower.

By recognizing the importance of education, *the Constitution of Nepal 2072 (2015)* has mentioned that every citizen shall have the right to get compulsory and freeeducation up to the basic level and free education up to the secondary levelfrom the State.[15] As there is one popular and applicable legal maxim articulated *ignoratia juris non-excusat* (Ignorance of law is inexcusable), even at secondary level, there is necessity of legal education to make all the citizens of the country familiar with the basic laws of the land. Furthermore, under policies of the State, Nepal has envisioned to prepare human resources that are competent, competitive,ethical, and devoted to national interests, while making educationscientific, technical, vocational, empirical, employment andpeople-oriented,[16] to make private sector investment in education service-oriented along withenhancing the State's investment in the education sector[17], and to make higher education easy, qualitative and accessible, andfree gradually.[18] From the very essence, inherently, we can say that legal education, being professional one, has great importance in order to produce human resources for judicial, quasi-judicial and other institutions and agencies.

5. Gradual Reforms of Legal Education in Nepal

By realizing the necessity of legal education in line with the change in the politico-legal and socio-economic dimensions or aspects of the country, gradual improvements have been carried out in the legal education and its curriculum in Nepal. The question of 'how far is the quality of legal education?' depends on various measuring criteria like curriculum, teaching methods, testing methods, physical educational infrastructure, regularity of class, diligence and hard labor of the students, and others.[19] On the basis of the very fact, to bring reforms in the legal education in Nepal since the establishment of *Sresta Pathshala* in 1962 B. S., various efforts have been made. The efforts to bring reforms in legal education can be pinpointed as follows:

- To uplift the standard of legal profession, there is necessity of gradual reforms in legal education of school level to university level curriculum.
- At the university level, the curriculum of legal education has been changing in different phase of time framework having the historical development ranging from 2011-2016, 2016,-2030, 2030-2042, 2042-2046/47, 2047-2063, 2063-72, and 2072 B. S. onward with a purpose of bringing reforms in legal education along with the change in the political system of the country.

[13]Kellye Y. Testy (Summer 2016), "Why Law Matters", *Journal of Legal Education*, Vol. 65, No. 4, Association of American Law Schools, p. 709. The very article is based on the presidential address made by the Dean of University of Washington School of Law Prof. Kellye Y. Testy at 2016 AALS Annual Meeting.

[14] Bal Bahadur Mukhia (July 2005), "Contemporary Legal Education in Nepal and Relevance of its Contributions", *Tribhuvan University Journal*, Vol. 25, No. 1, p. 11.

[15]Article 31(2) of the *Constitution of Nepal, 2072 (2015).*

[16] Article 51 (h) 1 of the *Constitution of Nepal, 2072 (2015).*

[17] Article 51 (h) (2) of the *Constitution of Nepal, 2072 (2015).*

[18] Article 51 (h) (3) of the *Constitution of Nepal, 2072 (2015).*

[19]*Supra note* 6, p. 101.

- By the establishment of theTribhuvan University on 2016 B. S., this (Nepal Law) College was affiliated to thisUniversity shifting from Patna University of India. As such, the curriculum of this College was modified and includedcertain Nepalese laws in its curriculum. In fact, this event could be considered asthe initiation of legal education in Nepal.[20] However, legal education was not accessible to poor people from 2016-2030 B. S. due to having LL. B. level education imparted from Nepal Law College Kathmandu and Morang College, Biratnagar.
- In 2028 B. S., National Education System Plan was introduced to bring reformation in education. And it was implemented from 2030 B. S. Accordingly, there was huge impact of this on legal education. So, semester system was introduced in legal education introducing two years Certificate level and 3 years Bachelor levelunder Institute of Law.
- Then, in 2040 B. S., as per the report of Royal Higher Education Commission, annual system was introduced by ending semester system. And Institute of Law has been converted into Faculty of Law.
- Along with the political change after **First Mass Movement 2046 B. S.**, there was necessity to change the curriculum. For that purpose, Faculty of Law and Curriculum Development Center jointly organized 'Law Curriculum Reform Workshop' from 2-8 *Ashadh*, 2048 B. S. by incorporating the suggestions of the Workshop, new curriculum has been implemented from the academic session of 2048 B. S. In the very year, National Education Commission was established to bring reform in the education system.
- While implementing the report of the National Education Commission submitted to the then Prime Minister on 14th *Jestha*, 2049 B. S., PCL level and B. L. level of law was phased out in 2052 B. S. and 2053 B. S. respectively. Immediately, LL.B. and LL.M. programs have been started since 2053 B. S.
- Then after, along with the change in the political system after the **Second Mass Movement 2062/63 B. S.**, Bachelor Level and Master Level curriculum has been reformed in 2065 B. S.
- As special program, under Faculty of Law T. U. five years B.A.LL.B. program and three years LL. M. program have been running since 2012 A. D.
- Since 2015 and 2017 A. D. respectively, B.A.LL.B. and LL.M. programs have been running in semester system as per the policy and direction of T. U. by repealing yearly system.
- To fulfil the assistant or clerical level manpower in the judiciary (a gap in education after the curtailing of PCL Level in Law) due to the difficulty in case management, around 600 students have been studying +2 level legal education started since 2073 B. S. from the effort of Central Judicial Sector Coordination Committee established as per Supreme Court Regulations, the then HSEB Council and Government of Nepal.
- In the same manner, other universities have been striving to bring change in the curriculum and legal education.
- To recommend for proper educational standard of thelegal profession in consultation with the university toincrease

[20] *Supra note* 3, p. 36.

the standard of legal education[21] and to make provisions for necessary training to maintainthe legal profession prestigious by providing practicalexperience to the Legal Practitioners,[22] Nepal Bar Council has been legally propelled in its Act for the purpose of bringing reformation in legal education in Nepal. Therefore, Nepal Bar Council can play vital role to bring uniformity and efficiency in legal education of all universities in Nepal. For which, Tribhuvan University and its Faculty of Law must play effective role as the oldest educational institutions providing legal education in Nepal timely under its leadership by doing coordination with all the stakeholders to promote good quality legal education in Nepal.

6. Present Scenario of Legal Education in Nepal

While mentioning about the current scenarios of legal education in Nepal, the striking queries could be: how many universities and institutions of Nepal are there to provide legal education?; what are the programs offered?; how like is the curriculum- progressive or stagnant?; what are the set objectives?; what is the situation of teaching faculties?; What are the major problems of legal education?; how is the quality of the products?; how is the flow of students in the faculty of law; how is the demand of human resources produced from law colleges; and who are playing roles in the promotion of legal education in Nepal? In dealing with such queries, there is necessity to mention the following facts:

Institutions/universities imparting legal education in Nepal

Out of 12 Universities namely Tribhuvan University, Kathmandu, Nepal Sanskrit University, Dang, Kathmandu University, Dhulikhel, Purbanchal University, Biratnagar, Pokhara University, Pokhara, Lumbini Bauddha university, Lumbini, Mid-Western University, Surkhet, Far Western University, Mahendranagar, Agriculture and Forestry University, Chitwan, Nepal Open University, Kathmandu, Madan Bhandari University of Science and Technology, Chitlang, and Yogmaya Ayurveda University, Shankhuwasabha, only 6 universities have been imparting legal education in Nepal. Regarding the very fact, Tribhuvan University, being the oldest university imparting legal education in Nepal, has been runningvarious programs such as: Ph. D. program under Faculty of Law; four and six semester LL. M. program (50 seats at Day and 35 seats at Morning program respectively), three years LL. B. program, and ten semester B.A.LL.B. program (105 seats) in Nepal Law Campus, Kathmandu having around 15000 students; five years B.A.LL.B. program (out of Valley only in P. N. Campus, Pokhara having 70 seats) and three years LL.B. program in the constituent Campuses- Prithvi Narayan Campus, Pokhara, Butwal Multiple Campus, Butwal, Mahendra Multiple Campus, Nepalgunj, Mahendra Bindeshwari Multiple Campus, Rajbiraj, and Mahendra Multiple Campus, Dharan; and three years LL. B. program in the T. U. affiliated (public) campus named Hari Khetan Multiple Campus, Birgunj and five years B.A.LL.B. program (105 seats) and four semester LL.M. program (50 seats) in the T. U. affiliated (private) college named National Law College, Lalitpur. Similarly, 5 years B.A.LL.B. and 2 years LL.M. Program have been running in Kathmandu School of Law, Bhaktapur,Chakrabarti HaBi Education Academy College of Law, Kathmandu, and Bright Vision Law College, Biratnagar being affiliated to Purbanchal University. Likewise, 5 years B.B.M.LL.B. program of Kathmandu University, 3 years LL.B. program of Open University, 10 semesters B.A.LL.B. Program of Mid-western

[21]Section 8 (1) (i) of the *Nepal BarCouncil Act, 2050.*
[22]Section 8 (1) (k) of the *Nepal Bar Council Act, 2050.*

University, and 5 years B.A.LL.B. program of Lumbini Bauddha University have been running in order to provide legal education in Nepal. Similarly, since 2073 B. S., under Higher Secondary Education Board, +2 colleges have been imparting legal education at around 120 places throughout the country at present.

Curriculum has been revised time and again as per the need and demand of the time. Teaching faculties have been getting refreshment training occasionally. Human resources related to judicial, quasi-judicial and others have been produced each year. Very few manpower have got chance to international exposure or career access at international level. Still there is necessity of producing highly skilled manpower by bringing improvement in the quality of the academic institutions. Faculty of Law, Tribhuvan University, has been striving for bringing improvements in the legal education as to the changing needs of the globalized world by introducing new curriculum, bringing reforms in existing curriculum, preparing and submitting Strategic Plan for Upgrading Law at Tribhuvan University to Higher Education Improvement Project, Tribhuvan University timely, discussing the issues to be addressed related to curriculum and teaching strategies having nine subject committees and coordinating with all the stakeholders through 29 members Faculty Board.

All the stakeholders like all Universities (mainly T. U. being oldest and most reputed university of Nepal) must play vital role in promoting legal education in Nepal. Likewise, there has been pivotal role of Faculty of Law, T. U., judiciary, Nepal Bar Council, Nepal Bar Association, National Judicial Academy, Ministry of Law, Justice and Parliamentary Affairs, various research institutions, and INGOs like UN, USAID and others in the promotion of legal education in Nepal. However, that is not satisfactory. As legal education requires theoretical knowledge and practical or professional skills, there is vital role of Bar Council. So, it must play pivotal role in balancing theoretical knowledge with the practical legal skills. Now, Supreme Court of Nepal has managed the opportunity to do post-B.A.LL.B. internship to 10 students of Nepal Law Campus which is remarkably praiseworthy. Accordingly, to produce competent, skillful and efficient human resources through legal education in Nepal, there is necessity of providing internship opportunity in almost all judicial and quasi-judicial bodies. Therefore, all the stakeholders must play their respective roles to make legal education in tune with the changing demands of the time, thereby making legal profession and professionals highly prestigious.

7. Challenges of Legal Education in Nepal

Legal education has always borne an ambiguous relationship to the practice of law.[23]So, there is a challenge to maintain balance between theoretical knowledge and practical legal skills while imparting legal education. Similarly, there are few challenge in promoting good quality legal education in Nepal. The major challenges are enlisted as follows:

- To implement semester system of various programs like LL.M. and B.A.LL.B.
- To produce effective, efficient and competent human resource as there are 23000 students studying under Tribhuvan University. Particularly, due to the growing scope and interest in legal education, there is huge flow of students in LL. B. program.
- To coordinate with all the stakeholders of legal education like universities, Nepal Bar Council, Nepal Bar Association, Courts, Ministries and others in order to bring uniformity, reforms, and efficiency in legal education in Nepal.

[23] *Supra note* 12, p. 59.

- Lack of adequate human resources and financial resources while comparing the need and demands of qualitative legal education in order to institutionalize federalism in Nepal.
- Political interventions in academic sectors is another great challenge to deal with.

Therefore, due concern must be shown by all the stakeholders to tackle with such problems and challenges to achieve the targeted goals and objectives of legal education for fulfilling human resource needs of the country and competitive manpower at international level.

8. Prospects of Legal Education in Nepal

In the context of Nepal, legal education has wider scope because Nepal has been constitutionally declared as federal democratic republic state.[24] Accordingly, in order to institutionalize federalism in Nepal in the parameter of legal and institutional mechanisms, there will be greater role of manpower produced from legal education. So, to the best of their efforts to real implementation of law of the land for effective and efficient governance in the country and for smooth socio-economic development sustainably, we cannot deny the significance of legal education. Similarly, human resources produced from academic institutions of law in the federal democratic republic Nepal will have the pivotal role to play in the 753 judicial committees of rural municipality and municipalities, district court, high courts, supreme court, special court, labor court, various tribunals like revenue tribunal and military tribunal, Ministry of Law, Justice and Parliamentary Affairs, department of different ministries, judicial and quasi-judicial bodies, international agencies, embassies, consular, academic institutions, research institutes, mediation and arbitration and so on. Due to the very fact, good quality legal education is required. In doing so, Bar Council of Nepal must play significant role like that in other countries of the world to maintain quality education by specifying basic criteria of legal education along with monitoring and implementation as such. And, all the stakeholders like universities, Bar Council, Courts, Bar Association, Judicial Service Commissions must work collaboratively to enhance the quality of legal education in Nepal to produce competent human resource saleable at national and international level.[25]

Consequently, faculties will seek ways to ensure that their graduates are both intellectually and culturally flexible, capable of adopting not merely to new laws but to new jurisdictions. Comparative and international subjects will receive greater emphasis in this present time of globalization.[26]But, in doing so, competent faculties must have chance to frequent refreshment trainings and they must involve in research activities continuously.To impart quality education, sufficient budget must be allocated by the government along with the capability of universities to collect more funding from internal (and international) sources to meet the needs for developing well equipped libraries and conducting extra-curricular activities like refreshment trainings for faculties, international conferences, seminars, workshops, mooting competitions, role plays and faculty and students exchange programs.[27]

Due to the federal structure of the government of Nepal, Public Service Commission must be directed towards encouraging legal manpower produced after completing +2 Level Law degree to be recruited at least second class non-gazetted officer or equivalent in the office of the Government Attorneys, judicial

[24] Article 4 of the *Constitution of Nepal, 2072*.

[25] Binod Karki (15 Baishakh, 2069), "Monitoring Quality of Legal Education: a Context of Responsibility and Concern", *Kanoon*, No. 92, Kathmandu: Lawyers' Club, p. 49.

[26] *Supra note* 5, Pp. 66-67.

[27] Tara Prasad Sapkota (Prof. Dr.) (2018-19),"Teaching comparative Constitutional Law in Common Wealth Countries and Non-Commonwealth Countries with Reference to South Asian Countries", *Nepal Law Review*, Year 41, Vol. 28, No. 1 & 2, Kathmandu: Nepal Law Campus, Faculty of Law, T. U., Nepal, p. 68.

service sectors of court, police, military service etc. In the context of federalism, T. U. has its law teaching institutions in all provinces except Karnali province and Far Western Province. Now, voices have been raised for the establishment of separate law university. In case of having such as reality, the need and importance of legal education could be furthered in the direction of providing high quality education.

Thus, due to the prospects of job opportunities within an outside the country, good quality legal education is required in Nepal. In order to build the nation, develop the country, maintain rule of law and good governance, institutionalize federalism and democracy, ensure justice and protect human and fundamental rights of the citizens, alleviate poverty, end corruption, maintain sound diplomatic relations with other countries, safeguard the interest of nation from foreign deception and interference through agreements and treaties, coordinate with and get support from UN and other international agencies, move in line with the international legal standards, conventions and treaties and so on, there is high prospect of legal education. Therefore, Government of Nepal must show adequate concern in the promotion of good quality legal education in Nepal by mitigating unwanted political interferences and by creating conducive environment for infrastructural and human resource development.

9. Conclusion

Legal education, being a multidimensional education, requires to be imparted to all the citizens for general knowledge of law. At the same time, it is indispensable for producing skilled human resources to work for peace, democracy, rule of law and justice. Further, it is obligatory to produce researchers, academicians, judges, lawyers, policy makers and others in the present time of globalization. So, to make competent, efficient human resources for the country and for the globe, there necessitates legal education. Therefore, in order to promote legal education in Nepal, there must be concern of all the stakeholders like Faculty of Law, Nepal Bar Council,Judiciary, Nepal Bar Association, Universities, Ministry of Law, Justice and Parliamentary Affair, national and international agencies and others.

Not only that, there is necessity of timely reforms of the academic curriculum, training to the teaching faculties, legal and professional trainings to the judges, lawyers and legal officers, regulating all academic activities systematically, faculty and student exchange programs with the foreign universities, conduction of socio-legal or legal researches, conduction of seminars and conferences, change in the teaching methods, examination system and evaluation system, development of infrastructures, promotion of both physical library and e-library, moot court competitions, focusing on skill based education balancing theoretical and practical knowledge, global interaction network, international exposure to the students and teaching faculties, and so on for fulfilling or achieving the desired targeted goals and objectives of legal education in Nepal in the rapidly changing scenarios of the scientifically and technologically advanced global community having the demand of competent human resource in the international labor market due to globalization of trade, goods and services, language, culture, help and support and so on. That is why, we need to establish separate Law University in Nepal to enhance the quality of legal education by fulfilling necessary pre-conditions to achieve targeted goals to the greater extent possible in the days to come in order to do outsourcing of legal manpower and to make this small and beautiful country hub of legal education in the world.

INTERNATIONAL PERSPECTIVE – INHERENT POWERS GRANTED TO MAGISTRATES IN THE UNITED KINGDOM AND THE REPUBLIC OF SOUTH AFRICA

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Abstract

This article examines the international acceptance of according inherent powers to magistrates who take cognizance of an offence and / or those Magistrates to whom the case has been made over for inquiry or trial of an offence it further discusses the judicial systems in other countries wherein Magistrates have been accorded inherent powers in the interests of equity and justice. The purpose behind granting inherent powers to the Magistrates is to make the system more approachable and the provision of exercise of inherent powers more effective. As the study focuses on the international field it focuses on the experiences of Magistrates at South Africa and United Kingdom, in order to relate the experience, the author has also drawn upon the Indian provisions. An analysis of the laws in other countries goes on to highlight how such powers in the hands of the Magistrates is not only a luxury available to the common man or a proviso to ease the process, but rather a matter of right to have an unjust decision turned to ensure that the ends of justice have been met. By making such a remedy available to a litigant at a court of law that is more accessible to him, both geographically and economically, would ensure that the power of the court will be better utilized and be more effective in the redressal of such issues.

Keywords: Magistrate, Cognizance, Inherent power, Litigant

I. Introduction

In this article, the author examines the international acceptance of according inherent powers to Magistrates who take cognizance of an offence[1] and / or those Magistrates to whom the case has been made over for inquiry or trial of an offence[2]. The article discusses the judicial systems in other commonwealth countries wherein Magistrates have been accorded inherent powers in the interests of equity and justice. The purpose behind granting inherent powers to the Magistrates is to make the system more approachable and the provision of exercise of inherent powers more effective.

II. Provisions for Inherent Powers in other countries

In the United Kingdom, while the Parliament has given inherent powers to Magistrates in criminal cases[3], such is not possible in civil cases. Similarly, powers to rescind or vary their own judgements have been granted to Magistrates in South Africa under specific circumstances as envisaged by the law.[4] Further, although not codified explicitly by the Legislature, there are various cases in which the Judiciary in other countries has upheld the inherent powers of a Magistrate by conceding to their decisions and upholding the validity of conclusions drawn in exercise of such powers. These are contrary to the Indian position of law wherein civil courts have inherent powers under the Code of Civil Procedure[5],

[1]The Code of Criminal Procedure, 1973, India, s.190
[2]The Code of Criminal Procedure, 1973, s.192
[3]Magistrates Court Act, 1980, United Kingdom, s.142
[4]Act 32 of 1944, South Africa, s.36
[5]The Code of Civil Procedure, 1908, s.151

whereas the Code of Criminal Procedure only gives such powers to the High Courts across the country.[6]

The author shall further examine the position and role of Magistrates in two other countries following the common law system – the United Kingdom and the Republic of South Africa. In doing so, the author shall reiterate the powers vested in the Magistrates for performing their roles and carrying out their duties as per the Magistrates Court Act, 1980 of the United Kingdom and the Magistrates Court Act, 1944 of South Africa. The author shall then go on to examine several cases wherein the inherent powers of the Magistrates have been upheld by the apex courts of these countries, thereby indicating that such powers in the hands of Magistrates is in the best interest of the law and order enforcement mechanism and play a valuable role in delivering justice to prejudiced individuals fast and affordable.

III. Provisions for Inherent Powers in India

The Supreme Court of India has clarified that[7] Section 482 of the Code envisages the circumstances in which inherent powers of the Court may be exercised be limited to the following:

- To give effect to an order under the Code
- To prevent abuse of the process of the Court
- To secure the ends of justice.

Insofar as the object of such power in the hands of the Judge are concerned, considering the welfare of the society and the last circumstance mentioned above, it would be in the best interest to hand over such powers to the Magistrates as well. The Allahabad High Court had pointed out how *"the High Courts are not merely court in law, but also courts of justice and possess inherent powers to remove injustice"*[8]. The author herein contends that the Magistrate Courts must also have the power to ensure justice delivery by reducing the situations where injustice may have been met, whether erroneously or fraudulently. The underlying principles for exercise of such powers would be the same that govern the High Court as on date. Even in the hands of the Magistrates, it must be clear that such power will be exercised only when no other remedy is available to the litigant and not where a specific remedy is already provided for in the statute. This remedy shall only be in the nature of an "*effective alternate remedy*"[9] to reduce the burden on the higher judiciary that has increased responsibility to deal with matters of heightened significance as per the hierarchy established in the statutes, and to make it convenient and approachable for the litigants who may otherwise not be able to avail the same.

IV. Powers of Magistrates' in England & Wales

The Magistrates Court Act passed by the British Parliament in the year 1980 was an act brought about to implement recommendations of the Law Commission with regard to consolidation of the procedures applicable to the Magistrates' Courts of England and Wales. The Act systematically codifies the practices and procedures in both civil and criminal matters before the Magistrates' Courts. Among other things, it also lays down the functions of the Justices' clerks. Given that virtually all criminal cases begin in the Magistrates' Court and more than 90% are completed there[10], it was considered to be absolutely necessary to streamline and codify the practices and procedures of these courts into a single Act for increasing the efficiency of their functioning and ensuring uniformity among all such courts across the territory. Part I of the Act lays down in detail, the

[6]The Code of Criminal Procedure, 1973, s.482
[7]*State of Karnataka v Muniswami*, AIR 1977 SC 1489.
[8]*Dr. Monica Kumar v State Of U. P.* on 27 May, 2008 Arising out of S.L.P. (Crl.) No.5593 of 2006.
[9]Mondaq, "Overview of Section 482 vis-à-vis Landmark Judgements of the Supreme Court", *available at* https://www.mondaq.com/india/Litigation-Mediation-Arbitration/697362/Overview-Of-Section-482-CrPC-Vis-Vis-The-Landmark-Judgments-Of-The-Supreme-Court-Of-India (last visited on 11 May 2019).
[10]LawTeacher, "Magistrates Court Act 1980", *available at* https://www.lawteacher.net/acts/magistrates-court-act-1980.php (last visited on 11 May 2019).

provisions in relation to the criminal jurisdiction of the Magistrate's Courts. In addition to the aforesaid, Magistrates also have jurisdiction over certain civil matters including family matters and non-payment of council tax. Part II of the Act details the procedures and practices relating to the exercise of the Court's civil jurisdiction.[11]

The Act codifies several powers entrusted in the Magistrates to perform the duties and roles assigned to them under the same. Section 142 of the Act of 1980 lays down the "Power of Magistrates' Court to re-open cases to rectify mistakes etc."

The provision grants powers to the Magistrates to vary, rescind or replace a sentence in view of a mistake committed during hearing and in the interest of justice. A bare perusal of the impugned provision indicates a similarity with Section 482 of the Code of Criminal Procedure which bestows such powers on the High Courts. While in India, only the High Courts have such power as far as criminal cases are concerned, the Legislature of the United Kingdom has bestowed such powers in the hands of Magistrates in all of England and Wales. Furthermore, the Judiciary had time and again upheld these powers of the Magistrates in several landmark cases, even before the codification of the Magistrates Court Act in 1952, and till date continues to do the same by providing explanatory reasoning as to how such power is beneficial when exercised with caution.

a. Judicial Pronouncements of Kings Bench

In *Rex v Marsham, ex parte Pethick Lawrence*[12], Lord Alverstone CJ alongside Lord Avory J and Lord Pickford J upheld the Magistrate's decision of treating the first hearing as nullity owing to the nature of the evidence the court had relied upon in the same. They clarified that even if the Magistrate had not done so in exercise of his powers, it would have compulsorily compelled the appellate court to quash the conviction in the event of an application for such purpose being referred to the Bench. The Kings Bench Division in the year 1912 declared the inherent power of Magistrates in this case when Lord Alverstone CJ opined along the following lines:

The Hon'ble Judge stated that, when the magistrate found that during the first hearing he had before him, the evidence given were not admissible and hence, he decided the case as per the law, his act of hearing the case and conducting the trial through second hearing for calling proper evidence was within his jurisdiction.

Lord Avory J. concurred to Lord Alverstone CJ's decision and further went on to explain his stance on the appeal wherein the substantial and real ground upon which the conviction was to be set aside was that it was bad because the applicant at the time of the conviction had previously been placed in peril in respect of the same offence. He expressed his view saying that it was just some other way of saying that the applicant was in a position of either pleading *res judicata* or *autrefois convict* before the magistrate. It was elucidative that in order to make an effective pleading, either a plea of autrefois convict or autrefois acquit should be made, it must be evident that the defendant has been convicted or acquitted legally. As per the authority, Chitty on Criminal Law[13], citing the relevant para on page number 455, *"the point in discussion always is whether, in fact, the defendant could have taken a fatal exception to the former indictment; for if he could, no acquittal will avail him."* It is also laid down by the same authority at page number 459 that "*if a judgment*"—and this appears to be directly in point in the present case—"*in*

[11]U.K. Judiciary, "About the judiciary – Judicial Roles", *available at* https://www.judiciary.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/judges/district-judge-mags-ct/ (last visited on 11 May 2019).
[12][1912] 4 WLUK 27.

[13]Joseph Chitty, A.J.Valpy ed., I *A Practical Treatise On The Criminal Law* 455 (2nd ed., 1816).

favour of a prisoner be reversed, he may be arraigned and tried de novo."

In this case it was admitted that if the first judgment is even considered once, then it would have been reversed even if the proceedings would have continued for that purpose. It would have been set aside on certiorari as it would have been based on evidence and not on oath, and hence the principles applicable to the plea of autrefois convict as enunciated earlier would not be in favor of the applicant to plead such a plea. As laid down in the same volume of Chitty on Criminal Law at page number 463 that the plea autrefois convict *"will be of no avail when the first indictment was invalid, and when on that account no judgment could have been given, because the life of the defendant was never before in jeopardy."* The Hon'ble Judge relied on the aforementioned principles, and held that if he considers the conviction on the first hearing in the present case must have been set aside, and accordingly the defendant was never in danger and therefore would not have been in the position to plea exception to the jurisdiction of the magistrate.[14]

Thus, the concept of Magistrate's inherent powers were clarified and substantiated with reasoning in this case, which holds precedential value in the issue, and continues to be reiterated time and again even today.

b. Judicial Pronouncements of Criminal Court of Appeal

Several other courts across the United Kingdom in various other cases have upheld the nullity of proceedings and their subsequent committals to quarter sessions wherein the Magistrates had the power to hear the offences summarily, thereby, in effect, declaring and upholding the power of magistrates to rescind or vary their decisions as far back in 1920[15] and 1950[16] as well.

c. Judicial Pronouncements of Queens Bench

In 2002, the local authority contended before the Queens Bench Division, Administrative Court of the High Court of Justice[17] that the Magistrates had no jurisdiction to revisit the decision in respect of which they were *functus officio*. Maurice Key J. dismissed the appeal, and held that the magistrates had not exceeded their jurisdiction or acted unlawfully by setting aside the liability order. When Magistrates ostensibly did something which was unlawful and / or in excess of their jurisdiction, they were competent to correct their error, provided such power is used sparingly and cautiously. In the instant case, the Magistrates had not sought to do something unlawful as they had been unaware of the request for an adjournment. Such omission, despite in nature, being a very small procedural detail, can be material in coming to a conclusion in specific cases, especially criminal cases. However, it was held that they were entitled to revisit the matter to address the discretion which they had not realised was the subject of a specific request. Although there were other remedies available, it was contrary to fairness and common sense to force anyone to pursue them by constraining the Magistrates from correcting such a perceived omission. The court's observation can be quoted as follows:

"It would be unfortunate and contrary to common sense and fairness if Magistrates were constrained by law to stand on their earlier decision, made in ignorance of the facts, and to have to direct the disadvantaged ratepayer to the Administrative Court and an application for judicial review."

[14] *Supra* note 12.

[15] *Bannister v. Clarke*, [1920] 3 K.B. 598.
[16] *Rex v. Norfolk Justices*, *ex parte DPP,* [1950] 2 KB 558.
[17] *Liverpool City Council v Plemora Distribution Limited*, [2002] 11 WLUK 614.

Thus, the Court in effect held that Magistrates Courts have the power to correct its own mistakes and the litigant, in such circumstances, should not be made to knock the doors of the High Court as that would, in most cases, make the remedy distant in time for the litigant to reach.

d. Judicial Pronouncements of Civil Court of Appeal

In line with the above decision, the Court of Appeal (Civil Division) in *R. (on the application of Mathialagan) v Southwark LBC*[18] further reiterated the fact that a Magistrates' powers were statutory and it seemed that the Parliament had intentionally not given a general power to Magistrates to reopen civil cases. An analysis of the view taken in the judgement indicates that the burden on higher judiciary is resultantly reduced in view of reasonable and appropriate exercise of such powers by the Magistrates, thereby increasing the efficiency of the judicial system in place.

A perusal of the cited judgements and an understanding of the views taken by the judiciary in the above cases goes on to explain the importance of inherent powers in the hands of magistrates and the rationale behind granting the same to them. It evidences that such powers in the hands of the Magistrates ought to be used sparingly and cautiously, and that reasonable exercise of such powers has always been in the interest of justice. Although all such principles have been recognised by the Indian courts in various judgements as well, the power of judicial review has been granted only to the High Courts and the Supreme Court.

V. Inherent Powers of Magistrates' in the Republic of South Africa

Much like the inherent powers given to Magistrates in the United Kingdom, the Magistrates Court Act, 1944 of the Republic of South Africa also gives powers to the Magistrates to rescind or vary their own judgements, *suo motu*.[19]. Section 36 of the Act provides for *judgements that may be rescinded.* The litigant affected by an unjust and adverse order against himself can make an application for rescinding a judgement

The Magistrates' Court Rules of Court Act deals with the subject in a more detailed manner, laying down the procedure to be adhered to and the content of the affidavits which must be filed in support of such an application for rescission.

a. Judicial Pronouncements of Various High Courts

Various High Courts across South Africa have repeatedly discussed about the issues in an application for rescission, and have clarified that it is not merely a test of whether or not to issue sanction against a party for his failure to follow, or a *prima facie* neglect that led to omission of a compliance as per the rules and procedures laid down for the court proceedings as per the statute.

It has been rightly remarked that "*the magistrate's discretion to rescind the judgments of his court is therefore primarily designed to do justice between the parties."* [20] He should exercise that discretion by balancing the interests of the parties, bearing in mind the considerations referred to in *Grant v Plumbers (PTY) Ltd*.[21] and *HDS Construction v Wait*[22] and also any prejudice that might be occasioned by the outcome of the application.

b. Period of Moving Application for Rescission of Judgement

[18][2004] 12 WLUK 360.

[19]Act 32 of 1944, s.36.
[20]*De Witts Auto Body Repairs (Pty) Ltd. V Fedgen Insurance Co. Ltd.,* 1994 (4) SA 705 (E) 711E-G.
[21]1949 (2) SA 470 (O).
[22]1979 (2) SA 298 (E).

It is further of necessary import to acknowledge that an Application for Rescission of Judgment must be moved within 20 days after the Applicant was made aware of the Judgment against him. If, however, the application is not made within the aforesaid 20 day period, the Applicant may request the Court to condone his late filing of the Application. While seeking condonation from the Court for his late filing of the Application, the Applicant must provide substantial reasons to explain why there was a delay by the extended period in the case after the lapse of 20 days, before the making out of the Application. Therefore, it is evident from the aforesaid that a Court will not merely rescind a judgment only on the basis of the fact that the Defendant was not aware of the Summons. If the Defendant does not have a viable defence to the Plaintiff's claim, it will be superfluous for the Court to rescind the judgment, in view of the fact that the Plaintiff will subsequently, in any event, and after a lengthy and costly trial, obtain judgment against the Defendant. The same would be against the object of having such a provision in place.

c. Judicial Interpretation of the Statutory Provisions

In *Patience Nondzondelelo Mabusela Vs Eastern Cape Development Corporation*[23], it was apparent from the application for rescission that the appellant contended that the judgment granted by default was void *ab origine*. The court opined as under:

"The grant of rescission can be likened to the grant of interim relief and the proper approach is to take the facts set out by the applicant together with any facts set out by the respondent which the applicant cannot dispute and to determine whether, on those facts, the applicant is entitled to relief.[24]*"*

It had been previously held that in an application for rescission of a default judgment which is brought on the grounds that the default judgment is void *ab origine*, the applicant must set out his or her defence to enable the court to decide whether or not there is a valid and *bona fide* defence[25]. It is also well established that the defendant must at least furnish an explanation of his or her default sufficiently full to enable the court to understand how it really came about, and to assess his or her conduct and motives.[26]

The caution exercised in analysing the various conditions and situations where in an order maybe made against an individual under such provision by the South African courts goes on to highlight the importance of according utmost care to the sparing and exceptional use of such powers by the Magistrates. An in-depth analysis of the facts of the case and the remedies sought in view of the same is a fundamental necessity to ensure that justice is delivered in exercise of such powers.

In considering the proper approach to be adopted in the evaluation of the evidence set out in the affidavits filed in the application for rescission, it is necessary to consider the nature of the relief sought. The effect of rescission would be to render the order a nullity. Neither advantage nor disadvantage can flow therefrom. The applicant is entitled to claim that the *status quo ante* be restored.[27]

A perusal of the above authorities are indicative of the elaborate powers in the hands of the magistrates in South Africa, which have been utilised effectively and consciously time and again to deliver justice. It can be seen from the above referred judgements that prominence is accorded to ensuring that no misuse of such powers is done either by the magistrates, or by the parties to the case who may be in a position to

[23][2015] ZAECMHC 76.
[24]*Spur Steak Raches Ltd v. Saddles Steak Ranch, Claremont,* 1996 (3) SA 706 (6) 714 E.
[25]*Leo Manufacturing CC v. Robor Industrial (Pty) Ltd T/A Robor Stewarts & Lloyds,* 2007 (2) SA 1 (SCA).
[26]*Silber V Ozen Wholesalers (Pty.) Ltd.,* 1954 (2) SA 345 (A) 352G.
[27]*Securiforce CC v Ruiters*, 2012 (4) SA 252 (NCK) 261 D-E.

gain unjustly from such provisions in place. A prominence is accorded by way of precedential value to following the procedure sparingly only in the rarest of the rare cases, as must be the case even in India if such powers is given to the Magistrates.

VI. Conclusion

An analysis of the laws in other countries goes on to highlight how such powers in the hands of the Magistrates is not only a luxury available to the common man or a proviso to ease the process, but rather a matter of right to have an unjust decision turned to ensure that the ends of justice have been met. By making such a remedy available to a litigant at a court of law that is more accessible to him, both geographically and economically, would ensure that the power of the court will be better utilised and be more effective in the redressal of such issues.

Although the author acknowledges that such a remedy is available in India and used frequently by litigants, yet the optimum utilisation of such recourse has been hindered due to the savings which has limited such exercise of inherent powers in the hands of High Court only. There would be no use of making available a remedy or recourse in law, which ultimately cannot be resorted to in all cases applicable to it. In light of the circumstances, and upon an in-depth analysis of the international perspective with regard to the same, it is clear that such a power in the hands of Magistrates in India would reduce the miscarriage of justice and would lead to better utilisation of the remedy available to the litigants.

It is pertinent to note that though the law is well-developed in the Indian scenario, wherein its applicability in various cases has resulted in a detailed discussion of the provision and its exceptions – where it has been used to *"do the right and undo the wrong"*[28], it is established by this discussion that if such powers could be exercised by Magistrates, it would lead to speedy redressal of the Applicant/Appellant's concerns and be an economically much viable recourse for the citizens.

[28] *K.K. Velusamy v. N. Palaanisamy,* (2011) 11 SCC 275.

LEGAL ASPECTS OF CLIMATE CHANGE-RETHINKING THE DILAPIDATED SUBLUNARY WORLD

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Abstract

With the glaciers truncating in the globe and the ice lakes cracking up, the effects of climate change on the environment have already been evidently witnessed. The two stirring subjects that are often seen to be scrupulously related are economic development and climate change. Global Warming is real and it is eventuating indeed most assuredly having the activities by human beings as its root cause, this is indeed debated as the dominant cause of climate change as maintained by a mind-boggling scientific consensus. With the technology coming up mapping the carbon(Carbon Mapping) is emerging as well as the most welcoming phenomenon that needs to be elucidated and understood. It is most compelling for the scientists as well to know where the carbon is absolutely stored. It is a constitutional imperative to safeguard our environment and in that line, the Indian Constitution through its sundry articles provides for preserving our nature and the environment including forests and wildlife. The first part of the paper seeks to offer a general perspective on the dimension of climate change in a nicety and its effects on the earth as a whole. The paper does not endeavor to elucidate the whole technical aspects in relation to climate change but focuses on a few scientific concepts here and there. The paper also ventures to shed light on the constitutional perspectives in preserving nature and the legal perspectives in relation to climate change.

KEYWORDS: Climate Change, Global Warming, Constitutional Perspectives, Carbon Mapping

I. Introduction- Climate Change in a big picture:

"Only when the utmost tree is trimmed down, the utmost fish devoured and the utmost stream contaminated you will comprehend that one cannot consume all the money in the world"[1].

The indelible and the deep-rooted variation of temperature and quintessential weather patterns is known as Climate Change. Earth's climate has been altered notably as deforestation has bolstered up. From glaciers melting at a get a wiggle on rate to the sea levels rising at sundry regions in the globe, the impacts of climate change have become very evident without any obscurity. Climate and weather should not be mistaken as one as both are not synonymous because climate is something that is measured for a longer period of time whereas weather shows differences either from year to year or from a day to day basis[2]. What causes the weather patterns to be less foreseeable today is climate change. Climate within its compass includes areas of temperature(seasonal), wind patterns, etc. From finding the climate change issue in the spotlight due to the prospectively obstreperous impact of heat-trapping emissions to undergoing life-threatening impacts contemporarily climate change has definitely become an appalling menace all around the world. It is noteworthy that throughout history the climate of the earth has never

[1]'Alanis Obomsawin'(2019)Wiki Quote < https://en.wikiquote.org/wiki/Alanis_Obomsawin > accessed 9 Jan 2020

[2]'Climate Change' NATIONAL GEOGRAPHIC < https://www.nationalgeographic.org/encyclopedia/climate-change/ >accessed 10 Jan 2020

been the same, it kept changing continuously. When climate change is elucidated it is not just the global warming alone but the side effects of the warming as well that should be included. The responsibility solely falls on human beings as the scientists have estimated that it is our activity that has largely contributed to the global climate change. One such example of human activity would be the Amazon Forest fire that broke out due to increasing deforestation. The ensuing driver of climate on earth is the energy from the sun. Climate change in the simplest terms means modifications that occur in the weather pattern, ice sheets and several other landforms, etc. Thus these Ice sheets, land surfaces, and oceans are seen to be the few key factors that play a significant role in influencing the climate. To put it in a wider sense climate can be understood when one statistically elucidates the state of the climate system. Thus Climate Change occurs when there is a release of Carbon dioxide and other greenhouse gases into the atmosphere primarily due to the human activities of fossil fuels. It is to be highlighted that the current warming of the global temperature is highly the result of the burning of fossil fuels by humans. The most peculiar factor in determining the climate is the flow of radiation[3]. undoubtedly we are all living in an expounding moment since climate change has already become a defining issue of our time. The Inter-Governmental Panel on Climate Change (IPCC)[4] has clearly elucidated in its report on the irreversible losses that the world would witness. What could be the most possible strategy for mitigating climate change than planting billions of trees that would ultimately remove carbon that is found in excess from the atmosphere? It is not just about the possibility when it comes to this idea but the very necessity that should be taken into consideration before taking into account the efforts and the cost efficiency of this concept. The effects of global reforestation on the earth's surface might as well spark a robust debate among the science community[5]. The impacts of climate change are truly numerous such as impacts on the oceans, forests, polar regions, freshwater systems, species, etc. Coming to the effects of climate change on the polar regions, keeping in mind that both the north and the south extremities of the earth are pivotal for synchronizing the climate of our planet, they are seen to be more pregnable. According to a report, in the next few years, there will be a lack of summer sea ice cover[6] in the arctic. Oceans are often described as the indispensable carbon sinks as they play a pivotal role in engrossing the carbon dioxide thereby forestalling it from reaching the upper atmosphere. Sadly oceans have turned to be more acidic by the result of increased concentration of carbon dioxide which is not usual. The effects of climate change do not just stop with the oceans and forests, it has its very severe impacts on the freshwater system as well in the forms of drought and flooding, etc. Climate change also leaves its impacts on the forests and its species with forests being the best regulator of the world's climate. It is reported that climate change is one of the prime causes of the decline in the tiger number as well as it affects the well-disguised snow leopards which are considered to be the globe's most elusive cats. Not to forget that the existence of snow leopards are very crucial for maintaining the ecological balance. Every Individual has to genuinely admit that we as humans are facing the biggest environmental dare today which our species has never seen before. The world is certainly on the verge of a global transmutation. Not

[3] 'What is climate change' Australian Academy Of Science<https://www.science.org.au/learning/general-audience/science-climate-change/1-what-is-climate-change>accessed 12 Jan 2020

[4] 'The Effects Of Climate Change' WWF <https://www.wwf.org.uk/learn/effects-of/climate-change>accessed 12 Jan 2020

[5] Alan Buis, 'Examining the viability of planting trees to help mitigate Climate Change' (2019) GLOBAL CLIMATE CHANGE<https://climate.nasa.gov/news/2927/examining-the-viability-of-planting-trees-to-help-mitigate-climate-change/>accessed 12 Jan 2020

[6] 'The Effects Of Climate Change' WWF <https://www.wwf.org.uk/learn/effects-of/climate-change>accessed 9 Jan 2020

to forget that seventeen Developmental goals have been set up by the International community via the United Nations whose ensuing target is to invigorate a more assured and buoyant world by the year 2030. Eradicating poverty, hunger in all its forms, fortifying gender equality, food security, upgrading agriculture, etc are some of the Sustainable Developmental Goals that we can look into. In that line foreseeably India's national developmental goals are seen to be reflected in the Sustainable Developmental goals, thus India has played an imperative role in shaping the Sustainable Developmental Goals(SDGs). To support the above statement few of India's programs one such being the world's largest financial inclusion program Pradhan Mantri Dhan Yan Yojana, could be highlighted. India has been constructively committed to attaining the SDGs even before they were officially formed into crystals[7]. Thus this urgent threat of climate change could be highlighted as one issue that would aptly define the silhouettes of this century more efficaciously than any other[8].

II. Climate Change and the law-exploring their correlation:

Given the boundless intricacy of this environmental challenge legal pursuit around this has witnessed nimble scrutiny of unconventional controlling approaches. It is well known that the primary correlation between climate change and the law started with the famous Intergovernmental treaty for addressing this menace of climate change called the United Nations Framework Convention On Climate Change (UNFCCC)[9]. The parties to the convention attend meetings on a regular basis and adopt decisions as such. Following this espousal, the world has truly witnessed a conspicuous evolution in legal reactions to the climate change[10]. In today's scenario, what has evolved into a highly specialized area of Legal expertise and International Law is the International Climate Regime itself. In order to mitigate greenhouse gas emissions, there is an urgent need for wide legal instruments which include within its ambit the regulations, standards, taxes, etc. Legal approaches to climate change are highly significant as the increase in warming and the effects of such warming are already foreseeable all over the continent. The legislative response to climate change(both its causes and impacts) at all the stages of regulation has moved apart from a divided muster of remote measures and initiatives on discrete aspects of global warming which includes sundry policies in managing the ultimatum for energy, in proselytizing research on sustainable alternatives, etc[11]. Climate policy unfailingly targets and affects the most tactful areas of society enthralling change in all the realms of climate behavior.

III. Constitutional perspectives in preserving the environment- a comparative approach:

Ecological adversities are continuously seen to be faced by nations around the globe. Every nation almost comes up with a legal regime as a reaction to ensure environmental safeguards. These mechanisms come in dissimilar shapes, for example, certain countries have the notion of protecting environmental protection within their constitution whereas certain countries regulate the same to the statutory level. The Constitution Of The United States Of America is very much pre-ecological as it does not have any straightforward or inferred mention regarding the environmental concerns. Though there is a lack of this

[7] 'On The Implementation Of Sustainable Developmental Goals'(2017) VOLUNTARY NATIONAL REVIEW REPORT < https://sustainabledevelopment.un.org/content/documents/15836India.pdf > accessed 9 Jan 2020

[8] Makenna Schumacher, ' The Issue Of Global Climate Change,Facing The Future'(2018) <https://www.facingthefuture.org/blogs/news/the-issue-of-global-climate-change >accessed 7 Jan 2020

[9] Erkki Hollo Kati Kulovesi and Michael mehling(eds), *Climate Change and the Law* (Springer Netherlands 2013)

[10] 'Introduction to the UNFCC and Kyoto Protocol'IISD Reporting Services <https://enb.iisd.org/process/climate_atm-fcccintro.html>accessed 8 Jan 2020

[11] Erkki Hollo Kati Kulovesi and Michael mehling(eds), *Climate Change and the Law* (Springer Netherlands 2013)

perturb about environmental protection in the US Constitution the federal statutes providing for environmental protection are up to the constitutional level essentially[12]. Coming to India, there were no straightforward provisions in India at the starting as far as safeguarding the environment is concerned. In a developing country like India, there has always been a brawl against pollution. With the Environment (Protection) Act 1986, sundry programs have been launched by the Government Of India to educate people as to how significant it is to protect the very planet which we live in. It is well known that many acts such as The Wildlife Act(1972), Air Act(1981) and Water act(1974) have been introduced after the significant Stockholm Conference. The legislation could be traced from the history when public nuisance was elucidated under section 268 of the Indian Penal Code. Not to forget that it is a constitutional directive to safeguard the Environment that we live in. Under the Directive principles of state policy as well as under the fundamental duties there are certain precise provisions that deal with the protection of the environment. What triggered the Indian Government to enact the 42nd constitutional amendment was the increasing consciousness and the outcome of the Stockholm conference. It was after this amendment that the straightforward provisions on safeguarding the environment were introduced thereby. Thereafter article 48-A has been added by the 42nd constitutional amendment to the directive principles of state policy. Article 48-A of the Indian Constitution (which is a directive principle of state policy)provides a directive thereby casting a duty upon every state to preserve the environment and to safeguard the wildlife. Few articles that aim at providing direct provision to the conservation of environment are Article 48-A, Article 253, Article 21, Article 14, Article 51(A), Article 19(1)(g), Article 51. The rock bottom for environmental jurisprudence in India begins with Article 21(provides for the right to life), Article 51A(g)(casts a duty upon every Individual to safeguard the environment) and Article 48-A of the Indian Constitution[13]. Whereas in South Africa, there is an explicit mention of the environmental right in its constitution under section 24. Two actual things become indisputably obvious when one shatters down the environmental law regime first thing is the execution and the next is the role of the judiciary in enforcing the same.

IV. Climate change and the criminal justice administration:

Not so much debated is the certitude that environmental damages often make more complicity in the criminal administration more plausibly, to begin with[14]. One of the leading issues that people living in the United States Of America find it in point of fact is to get a grip on the issue of climate change. Climate change is not very instantaneous like that of a tornado rather it is snowballing and moderate. It was brought to light by the academic researchers that climate change will certainly have an intense impact on crime. It is to be noted that shuffling social changes will occur patently when the earth warms and the climate changes. Considering countries such as India and Bangladesh it is certain that the coastal regions of these will have a menace to food supply on account of the rising sea levels[15]. Sifting into what will have criminal insinuations in the society will give a broad answer covering the biosecurity, production of food

[12] Kyle burns J.D Candidate, 'Constitutions & the environment: Comparative approaches to Environmental protection and the struggle to translate rights into Enforcement' (2017) VERMONT JOURNAL OF ENVIRONMENTAL LAW < http://vjel.vermontlaw.edu/constitutions-environment-comparative-approaches-environmental-protection-struggle-translate-rights-enforcement/ >accessed 9 Jan 2020

[13] 'Article 48A in the Constitution Of India'(2019) AccelerateSD < https://www.acceleratesd.org/post/article-48a-in-the-constitution-of-india> accessed 13 Jan 2020

[14] Sarah Lustbader, 'Climate Movement Could Radically Transform Criminal System'(2019) THE APPEAL<https://theappeal.org/climate-movement-could-radically-transform-criminal-system/ > accessed 10 Jan 2020

[15] Dr. Gary Potter, 'Climate Change and Crime'(2014) EKU<https://plsonline.eku.edu/insidelook/climate-change-and-crime> accessed 10 Jan 2020

and its distribution, land usage etc. In several parts of the world, there is already well-regulated violence happening over the water rights which is patently evident from crucial rivers like the Nile drying up. There are probabilities that human beings would reach a range of asking whether or not the ecological genocide forms a segment of corporate crime. It is many a time discerned that the people in the criminal system of U.S frequently carry the burden of this climate change. For example Debacle in removing the prisoners before the paramount storms if any, the uttermost heat the prisoners often undergo during summers etc[16]. What gave the embodiment and substance to the disquietudes regarding the climate change is the 2014 version of quadrennial defence review by the Department Of Defence (DOD). According to the Department Of Defence, Climate Change could be elucidated at its best as a goad of crime and conflict which eventually intimidates the national security. So what poses a peril on national security is the growing scientific consensus on the forecasted outcomes of climate change. Conditions such as Environmental Degradation and poverty may capacitate increased terrorist activity in the world contributing to other forms of violence as well. According to an estimate as far as the United States Of America is concerned climate change over the next assorted years might cause auxiliary murders, rape, aggravated assaults, robbery, vehicle theft etc. People surviving near the oil drilling areas in Ecuador and the strikers who are recuperating from the hurricane that was witnessed in Bermuda have wrestled with more instantaneous and perceptible environmental harm than those living in the wealthier areas but they all have united together by a simple understanding that the climate change is eventually going to harm every Creature on the earth. Thus climate change is competent in driving conditions that could slowly lead to crime.

V. International legal instruments to combat climate change :

Greenhouse gas emissions exacerbating the global warming day by day. It is a global issue, we cannot find redemption until we act together. The main reason for the success of the Montreal Protocol to the Vienna convention is because of international cooperation and widespread adoption. It's a 1987 protocol on substances that deplete the ozone layer which is a global agreement to protect the stratospheric ozone layer by phasing out the production and consumption of ozone-depleting substances i.e chlorofluorocarbons and halons[17]. It is one of the first treaties to achieve universal ratification by all the countries. It is signed by the 197 member countries. Montreal protocol is successful in phasing out the CFCs but as an alternative to the chlorofluorocarbons, hydrofluorocarbons were used in the manufacturing of air conditioners, refrigerators and it is also used as a propellant in Industrial aerosols. The hydrofluorocarbons(HFCs) do not deplete the ozone layer but it is a very powerful greenhouse gas. Their global warming potential is very high ranging from (100-3000) to that of carbon dioxide. HFCs can persist in the environment up to 100 years because of their high stability[18] which means even though we take immediate measures to mitigate the current impacts of global warming, we will suffer up to 100years due to current emissions. In order to control the emission of hydrofluorocarbons (HFCs), the Montreal protocol amended with the Kigali agreement. which is entered into force in jan1,2019. India is also a part of the Kigali agreement,

[16] Sarah Lustbader, 'Climate Movement Could Radically Transform Criminal System'(2019) THE APPEAL<https://theappeal.org/climate-movement-could-radically-transform-criminal-system/ > accessed 11 Jan 2020

[17] Guus J.M.Velders,Stephen O.Andersen,Daniel,David W. Fahey,and Mack McFarland, 'The importance of the Montreal Protocol in protecting climate' (2007)PNAS < https://doi.org/10.1073/pnas.0610328104 > accessed 11 Jan 2020

[18]'Hydrflourocarbons(HFCs)'SEPA<https://apps.sepa.org.uk/spripa/Pages/SubstanceInformation.aspx?pid=121>accessed 10 Jan 2020

it would be tough for India to stick on to an agreement along with the Paris pact as it has adopted the policy of "MAKE IN INDIA"[19]. But it is expected that the global stock of air conditioner in buildings will grow to 5.6 billion by 2050 which amounts to 10 new units sold every second for the next 30 years[20]. It is also one of the reasons for the current impacts of global warming. In order to stabilize the dangerous GHGs emissions which is not controlled by the Montreal protocol in 1987 and to return to the 1990 levels of anthropogenic carbon emissions by 2020[21], which is one of the main objectives of the United Nations framework convention on climate change (UNFCCC). The UNFCCC was opened for signature in 1992 earth summit for the world countries. UNFCCC has 197 parties as of December 2015, it enjoys the broad legitimacy, largely due to its universal membership. There is no enforcement mechanisms but the framework for negotiating specific international treaty (protocols) that may set binding limits on greenhouse gas(GHG). From 1994 the yearly conferences were held between the member countries in order to take major decisions with regard to the mitigation of climate change impacts. It is considered as the formal meeting of UNFCCC which is said to be a conference of Parties(COP)[22]. In(COP3) the Kyoto Protocol was adopted in 1997 but the ratification process delayed its enforcement and it entered into force on 16th February 2005. One of the key aspects of the Kyoto protocol is carbon emission trading in which the carbon credits are traded between the countries and industries to emit greenhouse gases (GHGs) beyond the prescribed limit. It was the first international market to benefit environmental protection[23]. But it laid legal obligations to the Annex B countries, which are the developed countries. The major drawback of the Kyoto protocol was the U.S was not willing to support the Kyoto protocol and it had no interest in implementing it. As it is one of the top emitter in the world not being the part of protocol which made it hard to attain its objectives but still Russian federation ratified its protocol giving new hope that it can be implemented even without the U.S. Later there was another hurdle faced by the Kyoto protocol, while ratifying this protocol China was a developing country and it was part of Non-Annex countries, under this protocol the legal obligations are binding only on the developing countries. But when this protocol entered into force china was one of the top emitters of greenhouse gas (GHG) in the world. In 2011 Canada officially renounces the Kyoto protocol by stating the above two drawbacks and it is said that there was a need for a new pact to address the emissions. Followed by the Kyoto Protocol, the Bali road map was adopted in the Bali action plan (COP13) which was held in 2007. One of the main purpose of this conference is to discuss about the next commitment period of Kyoto protocol and its objectives. One of the key outcomes of the Bali conference is the acceptance of the IPCCs 4th assessment report, then launch of the adaptation fund i.e a financial resource to fund the developing countries to implement the Adaptation projects which are prone to worst climate change impacts and source of fund will be from clean development mechanism undertaken by the Kyoto protocol. , then the decision of transfer of technologies from developed countries to developing countries because of the poor research capabilities of

[19]Xiaopu Sun and Tad Ferris, 'The Kigali Amendments and China's Critical Roles in Evolving the Montreal Protocol' (2018) ABA <https://www.americanbar.org/groups/environment_energy_resources/publications/natural_resources_environment/2018-19/fall/the-kigali-amendments-and-chinas-critical-roles-evolving-montreal-protocol/> accessed 11 Jan 2020

[20] 'Hydroflourocarbons(HFC)'CLIMATE AND CLEAN AIR COALITION <https://www.ccacoalition.org/fr/slcps/hydrofluorocarbons-hfc>accessed 11Jan 2020

[21] Michael Oppenheimer and Annie Petsonk, 'Article 2 of the UNFCCC: Historical Origins, Recent Interpretations (2005) ResearchGate < https://www.researchgate.net/publication/226529568_Article_2_of_the_UNFCCC_Historical_Origins_Recent_Interpretations > accessed 9 Jan 2020

[22] Yun Gao,Xian Gao and Xiaohua Zhang, *Engineering*, vol 3 (ELSEVIER 2017) para 6

[23]Paulo Moutinho and Stephan Schwartzman (eds), *Tropical Deforestation and Climate Change* (IPAM 2005)

the developing countries and another key aspect which was discussed in the in Bali action plan is about the Reduction of emission from deforestation and forest degradation in developing countries (REDD), It was definition of REED debated in (COP[24]) and also the established two subsidiary bodies, they are Ad hoc working group on long term cooperation action(AWG-LCA) and Ad hoc working group on further commitments of Annex I Parties under the Kyoto Protocol (AWG-KP). Followed by the Bali conference (COP15) was organized in Copenhagen in 2009. As the developed countries wanted the developing countries to accept the legally binding obligations because countries like India and China being the top emitter in the world enjoy the benefit and it was outside the Kyoto protocol with no legal obligations.

This led to the breaking down of negotiations. The summit concluded between 5 countries (Brazil, South Africa, India china and the U.S). Key elements of the Copenhagen accord are International greenhouse gas emissions limits must be implemented in order to hold the increase in global temperature under 2 degrees Celsius, developed countries agreed to set targets for their reductions in GHG emissions by 2020 but it has no real targets to achieve in emission reduction. Moreover, the accord is not legally binding but it was a voluntary accord. Based on the summary of the report of the standing committee on finance of UNFCCC, it is stated that total specific finance flows from Annex II parties only a 38 billion Us dollars fund was raised in the year 2016 which is not even close to 100 billion US dollars per year target[25] of the Green climate fund (GCF). The second commitment period was negotiated and agreed in 2012 (Doha amendment) but it has not entered in force[26]. But the Paris agreement was independent of the Kyoto protocol. The Paris agreement is formally known as the conference of parties (COP21). Its main target is to keep the increase in global average temperature below 2 degrees Celsius above pre-industrial levels by the 21st century and the major countries have agreed to it. Developed countries intended to extend their commitment period of generating USD 100 billion dollars per year from 2020 to 2025. On 3rd September U.S and China jointly ratified the agreement. This provided a big boost to the Paris agreement. Paris agreement was entered into force in 2016 ,it was signed by 197 countries and ratified by 187 as of November 2019. Unlike the Kyoto Protocol, developing countries will take emission reduction targets where such targets are mandatory. When the Paris agreement becomes operation in 2020 these targets will be called "Nationally Determined Contributions" (NDCs). Though many of the goals of the Paris agreement is welcoming, still another hurdle is yet to be faced by the Paris agreement which is the united states of America notified on 4th November 2019 that the secretary-general of its decision to withdraw from the agreement which shall take effect on the 4th November 2020 in accordance with article 28(1) and (2) of the agreement[27]. As the Paris agreement is going to face the biggest blow in 2020, there is a chance that other countries may withdraw from the pact. Because the U.S is one of the top emitters of greenhouse gases is not under the limitation, even though if other countries tried to mitigate the climate change impacts, the U.S emissions of greenhouse gases will contribute to global warming in a larger extent. There is an

[24] Peter Christoff, 'The Bali road map: Climate change, COP 13 and beyond'(2008) Research Gate < https://www.researchgate.net/publication/233047589_The_Bali_roadmap_Climate_change_COP_13_and_beyond>accessed >9 Jan 2020

[25] 'Climate Summit for Enhanced Action:A Financial Perspective from India'(2019) <file:///C:/Users/lenovo/Downloads/paris%20agreement%20impacts.pdf>accessed 11 Jan 2020

[26] Dominick A.Dellasala and Michael I. Goldstein (eds), *Encyclopedia of the Anthropocene* (Elsevier 2018)

[27] 'Paris agreement' (2015)United Nations Treaty Collection(UTC) <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en#4 >accessed 10 Jan 2021

important provision in Article 5 of Paris agreement, under which it asks countries to take necessary actions to conserve and enhance sinks and reservoirs of GHG including the forests. It also encourages countries to take the necessary actions to implement and support through result-based payments[28]. The United Nations framework convention on climate change has provided a policy framework to incentivize developing countries to halt deforestation and forest degradation to promote the sustainable management of forests. The main reason for the framing of regulations for the conservation of Forests is Deforestation, forest degradation and another process of land-use change that contributes more to anthropogenic CO2 emissions and they also accounted for 12% of emissions from 2000 to 2009 according to the latest 5th assessment report of IPCC. The provisions for REED+ are prescribed under Article 5 of the Paris pact and its provisions are not legally binding on the member countries. As far as India is concerned, it had implemented a Himalayan program which is jointly carried out by the Indian council of forest research and education (ICFRE) and the International center for integrated mountain development (IMOD) has been extended till July 2020. Initially, the Himalayan program was carried out in January 2016 in Mizoram. This project was supported by the Environment, nature conservation and nuclear safety ministry of Germany. REED+ provides the financial value for the carbon stored in the forest . It provides incentives. The developing country would receive results-based payments. More than 300 REED+ initiatives have taken place since 2006. The union environment ministry has transferred Rs.47,436 Crores for afforestation in 27 states.

VI. Carbon mapping- "A Boom"

In order to help the initiative of the United Nations framework convention on climate change (UNFCCC) program REED+ effectively, Carbon mapping came as a boom.Carbon mapping helps in predicting an actual amount of carbon dioxide sequestered in the Forests and tropical vegetation with the help of the satellite and the light detection and ranging system(LIDAR).This high resolution mapping method helps in implementing REED+ in tropical regions around the world.It's a four-step process which involves mapping of vegetation through satellite and then they develop the maps of 3D vegetation structure LIDAR system from fixed airborne observatory than converting the structural data into carbon density using a network of field plots on the ground and then they integrate both the data to form a high-resolution map. Generally, the Basal area(BA), height(H) and wood density (WD) are the important factors in describing the amount of CO2 sequestered in aboveground in all the forest. It is said that the vegetation found in geologically younger and more fertile surface tend to sequester 25% more carbon than the less fertile areas. It said to provide accurate measure of CO2 sequestered in the tropical regions. It adds a boost to the REED+ initiative of Reduction emissions from deforestation and forest degradation, through carbon mapping we can easily predict the amount of carbon stored in the forest and we can preserve them from deforestation and it will help in carbon offsets[29].

SUGGESTIONS :

Kyoto protocol must be entered into force for the second commitment period with the necessary changes in order to mitigate current climate change impacts. As far as carbon trading is concerned, the carbon credits should not be exchanged in the carbon

[28] 'Implementing article 5 of paris agreement and achieveving climate neutrality through forests from COFO24 TO COP24'(2018) FAO <http://www.fao.org/redd/news/detail/en/c/1146132/>accessed 11 Jan 2020

[29] Gregory p. Asner ,Joseph Mascaro,Helene c.Muller-Landau 'A universal airborne LiDAR approach for tropical forest carbon mapping' (2011) SpringerLink < https://link.springer.com/article/10.1007/s00442-011-2165-z#citeas> accessed 9 Jan 2020

market. The International authority should be established to provide the carbon credits to the industries and to the various countries that are in need of it. The price of carbon credit should not be money. In return for carbon credits, they should undertake the clean development mechanism (CDM) not only in the developed countries but also in developing countries. Carbon emissions limit must be kept very low, Only those who are violating the limitation provisions must compensate with the clean development mechanism measures. The biggest backlog in developing countries with regard to carbon mapping is they are not aware of it. More conferences should be conducted in developing countries to create awareness among people.

VII. Conclusion

United nations taking enormous measures to combat the impacts of climate change under UNFCCC through protocols and agreements. Out of it, the Montreal protocol is still one of the most successful protocols through which effective measures were taken and now the ozone layer is regaining its old self. International cooperation is important to mitigate any type of global issue. Every protocol should lay legal obligations on the member countries to undertake effective measures in order to keep the global average temperature to well below 2 degrees Celsius above pre-industrial levels. Because 2 degree Celsius will have a serious consequences like longer droughts ,more intense heat waves which can cause big disruption to the world food supply . At 2 degrees Celsius sea levels may rise to several feet and flood many coastal areas and potentially cause large migration of people from countries like India, Bangladesh, and Vietnam. Even if the countries act according to their voluntary pledges, there is already enough CO2 in the atmosphere to warm the planet to 2 degrees Celsius. So we have to take more mitigation measures and should adopt more protocols to combat the upcoming climate change impacts. . It can be concluded that in order to live in a society which is free from inequality and crime, the environmental issues should be intercepted properly which will eventually and gingerly intercept the roots of the crime and inequality in the society.

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